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UNITED STATES OF AMERICA.



AN AUTHENTIC ACCOUNT
OF THE
PERSECUTIONS AND TRIALS

OF THE
REV. JOHN WHITTLESEY,

OF SALEM, CONNECTICUT,

LATE ORDAINED ELDER OF THE METHODIST
EPISCOPAL CHURCH,

HOLDEN AT SALEM, CONN. ON THE SECOND AND THIRD DAYS OF MAY, 1845,
AND AT MONTVILLE ON THE FIFTH DAY OF THE SAID MONTH,
BEFORE THE QUARTERLY CONFERENCE.

WITH APPROPRIATE REMARKS.



NEW-YORK: (W)

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1845.

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Entered according to the act of Congress, in the year 1845, by

JOHN WHITTLESEY,

In the Clerk's Office of the Southern District of New York.

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AN UNPRECEDENTED ECCLESIASTICAL TRIAL.

TO THE PUBLIC:—

We the undersigned, having been present at the Ecclesiastical trial of the Rev. John Whittlesey, Minister and Elder in the Methodist Episcopal Church, on Friday and Saturday, May 2d and 3d, 1845, in Salem, N. London County, Connecticut, feel that an imperious duty is binding upon us as men, and christians, to present a fair expose of the transactions as we viewed it, and as we verily believe every unprejudiced mind viewed it at the time. First, then the manner in which the charges were got up; the time and money spent, in obtaining them; the specifications in in those charges; the length of time that had elapsed since the acts were said to have been committed, from three to more than thirteen years ago, and charges brought where no crime reasonably could have been committed, are all subjects which to us look very strange. The very extraordinary conduct of the triors at the time, with one honorable exception, Judge Hurlburt, and the conducting of the whole affair, from first to last by the whole of the accusing party; the most astounding decision of that committee in sustaining charges and suspending him from his ministerial labors, to the next quarterly meeting conference, when there was no evidence against him, or the slightest appearance of guilt on the part of the accused, and his final sentence at the quarterly meeting conference, left an impression on our minds, and we believe on the whole

unprejudiced community, not only of his entire innocence but that a foul conspiracy had been formed against the Rev. Gentleman, in this matter, and we verily believe that the records of such a trial cannot be found either in Civil, Military, or Ecclesiastical tribunals, since the days of the Inquisition.

NATHAN MINARD, *Judge of Probate for Salem District.*

JAMES LAMB, *Justice of the peace.*

ALFRED LOOMIS, *Sheriff's deputy.*

ENOCH TREDWAY, *Justice of the peace.*

LEVI H. GODDARD, *Justice of the peace for the County of New London.*

GUY LOOMIS, *Justice of the peace.*

ABNER G. JONES.

H. J. NEWTON.

This may certify that I am personally acquainted with the gentlemen whose names are attached to the above statement, and that they now hold the office respectively affixed to their names, and that, they are men of sterling integrity, and sound judgment, and whose opinions may be taken as the voice of this community.

DAVID P. OTIS, *Town Clerk.*

INTRODUCTION.

It may not be amiss to inform the reader, that prior to the trial, a portion of the Methodist Society, had, without any just or reasonable cause, been endeavoring to injure me by circulating false and slanderous reports, and endeavoring to excite the public mind against me. They had pretended great friendship for me until about the time that I returned from New York the second time. Prior to this, finding that I was preaching in New York city, at the Rev. Mr. Withey's church, and that the good Lord had deigned to own and bless my humble endeavors for the advancement of his kingdom, Jonathan Harris and Richard Lewis thought they would take advantage of it and turn my labors to their account, and that of a small portion of the society who were bound for the payment of a small sum due for repairs on the Meeting House. Accordingly, I was requested to see if I could raise the amount by contribution in the city. Knowing the society to be abundantly able to pay the small amount due, and as I had myself labored with my own hands more than a month in painting and repairing it, I declined doing it. My family too, had subscribed liberally, and I had raised money sufficient in other towns to purchase Astor lamps and carpets for said house. They, however, wrote to the Reverend Mr. Withey to have a contribution and raise the money. Brother Withey declined doing any thing about it, and I believe wrote them no answer. Whereupon stories were either put in circulation or reported by these very men, that I

had taken up a contribution in behalf of the society, and had collected quite a sum for that purpose and had converted the same to my own use. This story did me much injury, so strongly had it been impressed upon the minds of many that I found it hard to make them believe otherwise. I could contradict it as I had other stories, and that was all I could do. At length the presiding elder came here and his ears were filled with it. I felt hurt to think that my brethren should report stories behind my back in the room of coming to me with them.

Soon after this the presiding elder went to New York, and on his return handed me the following certificate.

Salem, June 17th, 1844.

“To whom it may concern :

This may certify that Brother Ezra Withey informed me that there was no collection taken up or money given in his charge in New York for liquidation of the debt on the Methodist meeting house in Salem. This he informed me could not be done consistently with a resolution passed by the preachers in the city of New York. And he also informed me that what Brother Whittlesey received in New York was voluntarily given him by individuals in his charge, and certainly they had a right to give Brother Whittlesey what they pleased.

R. W. ALLYN.”

I felt that I had been injured by men who should have assisted me, by professed brethren who should have watched over me for good rather than for evil, but had made up my mind to forgive them should they come in a spirit of christian meekness, and ask it, which I supposed if they were christians they would do as soon as they

found what they had reported to be false. They however did not come, nor did they contradict the stories they had told, although they knew them to be false in every particular. What next? Why, they met in secret conclave and agreed by a vote, to send up north and see if something could not be found against me. This was called a Society meeting, although a majority of the members of said class never heard of the meeting till weeks afterward. Days and weeks were spent by Jonathan Harris, Henry Higgins *alias* Henry Kelly, (an Englishman who came into this country under the former name, and afterwards changed it to the latter,) Richard Lewis, and one Brown, for that purpose. But they came as they went, nothing was found as it seems by the charges. Lathrop P. Weaver now joined them, although he had said to me before this, in presence of a witness, that he had examined the charges against me, and found them to be *false*, and said he, Brother Whittlesey, I will stand by *you* if they turn me out of the church for it. He, however, took an entire different course, notwithstanding his promise, by taking every pains to see and prejudice the preachers and people against me. He having the power to choose the committee to try me, chose such as he knew to be my enemies, as I have every reason to believe with one honorable exception: I allude to the venerable Ralph Hurlburt, whose moral worth and sterling integrity was never yet doubted, and by whose decision upon testimony I am and should be ever willing to stand or fall. Am I right in the premises? Let those who read the trial judge, I calmly and fearlessly submit it to the bar of public opinion. Among those who heard the trial, whether friends or foes, (with the exception of the clique before

named,) I believe there is but *one* opinion. The evidence hereafter given is from the attested record of the triors as taken by the Rev. R. Allyn, clerk of said board, in remarking upon which I shall endeavor "nothing to extenuate or set down aught in malice," and those who read this may expect as they certainly shall have a fair, exact and honorable expose of the trial in all its bearings. And now do I laud and praise the name of the most high God who reigns and rules in the armies of heaven, who has put a hook in the jaws of my enemies that they cannot harm me, who never will forsake those who put their trust in his all powerful arm. And I will add, I never felt more determined to spend the few remaining days I have left in his holy service than at the present moment, and with the poet I can truly say,

"Amid surrounding foes,
Thou dost my table spread;
My cup with blessings overflow,
And joys exalt my head."

Is it not enough that the servant is as his lord? It is true, I have suffered much and may be called to suffer more, I freely forgive my enemies, even those who have testified falsely against their neighbor, as is proved in the following testimony by their own statements.

JOHN WHITTLESEY.

TRIAL.

I WOULD here remark that as the same evidence applies to the first and second specifications of the first charge, they will be taken up and considered together. An attempt was made in the outset by Daniel Dochester, on behalf of the plaintiff, to have a *private* trial, to which my counsel, the Rev. Sidney Dean, objected. He was opposed entirely to having the cloak drawn over the victim; he wanted plain open work—no *concealment*. The charges had been publicly brought; it was right that they should be publicly investigated. Elder Allyn was of opinion the trial should be private; it was according to usage. To this Judge Hurlburt strongly remonstrated; whereupon it was decided that the trial should be public. For this I felt extremely thankful.

CHARGE FIRST. FALSEHOOD.

Specification First. In stating to Joseph Hilliard that Matthias W. Baker had given a deposition in your favor different from the one given to Joseph M'Gregory.

Specification Second. In stating to Matthias W. Baker that Joseph Hilliard had or would give a deposition in your favor different from the one given to Joseph M'Gregory.

Now, I ask the public to read carefully the following testimony, particularly that of Joseph Hilliard, and if people are not astonished beyond measure, I will own myself mistaken. How great the desire of that man must be to injure me to prompt him to contradict himself in the man-

ner he does, the public must judge. It lies between him and his God, and to his awful bar must he render account.

It may be necessary here to premise, that the depositions here presented and alluded to, were taken in a case of defamation, I having sued Joseph M'Gregory, of Long Meadow, for saying that I was the father of an illegitimate child, before marriage, by a sister of one Elijah Polly, and that said child was supported by me at Long Meadow. The case was subsequently arranged between that gentleman and myself, at which time he gave me the following certificate :

“ *Springfield, Oct. 30, 1843.*

“ I have *never* reported that John Whittlesey, of Salem, Conn., was the father of an illegitimate child by a sister or any other relative of Elijah Polly, and that said child was supported by said Whittlesey at Long Meadow, *nor do I believe such to be the fact.*

“ JOSEPH M'GREGORY.”

REV. JOHN WHITTLESEY :

Sir—The following charges and specifications have been put into my hands by Brother Richard S. Lewis against you :

CHARGE FIRST. Falsehood.

Specification First. In stating to Joseph Hilliard that Matthias W. Baker had given a deposition in your favor different from the one given to Joseph M'Gregory.

Specification Second. In stating to Matthias W. Baker that Joseph Hilliard had or would give a deposition in your favor different from the one given to Joseph M'Gregory.

Specification Third. In stating to Mark Dodge that Elias Harvey had agreed to give a deposition in your favor different from the one given to Joseph M'Gregory.*

Specification Fourth. In denying having walked with two young ladies, as stated by Brothers Pratt and Harris.*

Specification Fifth. In writing to Brother Josiah Ellsworth, of Ketch Mills, East Windsor, that Henry M. Kelly had said that Orson H. Wood, of Ellington, had become a pious man, and had joined the Methodist E. Church, and likewise that H. M. Kelly said that he staid with O. H. Wood three or four days, and had a very spiritual time with him, and often quotes Brother Ellsworth and Brother Wood as equally pious, &c.

Specification Sixth. In denying having altered or caused to be altered certain depositions.

Specification Seventh. In telling Brothers De Wolf and Harris that you worked thirty days in painting the Meeting House when it was repaired.

Specification Eighth. In denying having walked in New London with and treating with liquor a married woman.

Specification Ninth. In advising Rev. Mr. Thompson to sue Benjamin Hurlburt for defamation, and then denying it to certain gentlemen.

CHARGE SECOND. Improper familiarities with females, contrary to Christian and Ministerial character.

Specification First. In walking in New London with and treating with liquor a married woman.

Specification Second. In entering a room where a young lady was in bed, and getting on the bed with her.

Specification Third. Improper words to a young lady while riding in a wagon.

Specification Fourth. Unchaste conduct towards a young lady at Brother Pratt's.

Specification Fifth. In sitting up to improper hours in the evening with young ladies at Brother Pratt's.

Specification Sixth. In sitting up to improper hours with women reported to be of a bad character.*

Specification Seventh. In writing improper letters to a female.

CHARGE THIRD. In causing certain depositions to be altered, &c.

CHARGE FOURTH. Persuading certain persons to testify what was not true in fact.

CHARGE FIFTH. Speaking evil of Brethren contrary to the word of God.

You are hereby notified to appear before a committee, properly appointed, at the Meeting House of the Methodist Episcopal Church, in this place, on Friday, May 2, 1845, at ten o'clock, A. M., for trial on the above charge.

LATHROP P. WEEVER,
Preacher in Charge.

Salem, April 28, 1845.

SALEM, MAY 2d 1845.

A Committee of Enquiry, convened in the Methodist

* Sustained.

Episcopal Church, in Salem, Conn., on Friday, May 2d, 1845, to hear and examine charges touching the Christian and Ministerial character of Rev. John Whittlesey, of said Salem, which charges were preferred by Brother Richard S. Lewis. The council was opened with reading a hymn by Brother R. W. Allen, and singing, and with a prayer by Rev. R. Hurlburt.

Rev. L. P. Weever, Preacher in charge of Salem station, in the chair. The president announced as a committee, the following five brethren, local preachers in the M. E. Church, viz. Ralph Hurlburt, F. S. Hoyt, H. J. Newell, J. Sheffield, C. D. Fillimore. R. Allyn was announced as secretary of the committee.

Objections were raised against C. D. Fillimore, on account of connection, with a secret oath bound society, but were subsequently withdrawn; the charges were then read by the secretary. S. Dean, was named as counsel for the defendant, and D. Dorchester for the complainant.

A motion was made for a trial, with open doors, which was decided by the committee in favor of the motion.

On the first Charge, (viz.) *Falsehood*.

Specification First. In stating to Joseph Hilliard, that Mathias W. Baker, had given a deposition in your favor, different from the one given to Joseph M'Gregory.

Joseph Hilliard called to testify; who stated that about one year ago, in February, or March last, Mr. Whittlesey, with D. P. Otis, Esq., came to the house of witness, and wished him to give a deposition for Whittlesey; witness had given in one. Supposed that sufficient. Whittlesey asked witness if he had not altered his mind, since the deposition given. Witness told him not; Whittlesey told

witness that Brown, told him he had; witness said not. W. said others had altered their minds, especially M. W. Baker, and had given a deposition a good deal more in his favor, than the one he gave before; he, W., pressed, crowded pretty hard for another, witness said if he gave another it would be the same; W. was in a passion, and wanted to know, if witness was a going to put him to all that trouble, and told Otis, to go and find the Sheriff, Mr. Loomis; Otis went and could not find him; they then both went out together; in the course of an hour or two, the Sheriff came and summoned me to appear, at Mr. Pratt's, forthwith, and tendered me the money; witness went to Pratt's and gave a deposition the same as the first, though the questions might be different, the time a little before sundown; next morning took my horse, and went down to M. W. Baker's, to know wherein he had changed his mind. After compliments, he, Baker, said you have altered your mind, and given in a deposition different in W.'s case. I told him I had not, he, Baker said, Mr. W. was here yesterday, and said witness had, and wanted me to give a different one. I asked if he had done so, he said not, I told him that day before yesterday he, Whittlesey, told witness that you had given a different one.

CROSS EXAMINED.

1. Has there been no misunderstanding between you and Mr. Whittlesey? Witness said on account of Masonry, he did not speak to Whittlesey, for some six or eight years.

2. Has not witness cursed, and swore, at Mr. Whittlesey, in the said Whittlesey's own house?

Overruled by committee; question not answered.

3. Did you not give two depositions different ?

Ans. Not in the important point.

4. Never stated to any one that I did not believe the reports, for I always believed them. Conversation between Hilliard, and Whittlesey, took place *before the deposition was signed*. Opposing party was not present when the deposition was given.

REMARKS.

I would here state, that in the combining, comparing, and exposing the contradictions in the evidence and characters of my accusers, I do it from no motives of ill-will or bitterness, but simply in self-defence, in order that the public may know with whom I have to contend, and the characters of my accusers. Who, then, is Richard S. Lewis—the man who has taken so much pains to hunt up charges against me ; charges, too, which have been, even by a committee of their own choice, in nearly every instance pronounced false ? A man who has the name, so far as I have been able to ascertain in the town where he was brought up, of being extremely quarrelsome and mischief making ; and who, since the trial, has publicly stated what he must have known to be a falsehood, viz., in saying that I offered to confess to Mr. Allyn—whereas I never mentioned the subject to Mr. Allyn or any other person, and he will not say I did ; who collected money due to a poor girl, and then converted the same to his own use, as I am fully prepared to prove ; and who, according to his wife's own statements, (as I pledge myself to prove,) has lain down several times upon the bed with a married woman, not his wife, within a few months of the time he preferred the charges against my chastity. And this is the man who

professes sanctification, and who talks of charity. I charge him publicly, as he charged me. The proof shall not be wanting. Will the church remember this in their purgative operation?

It may be proper further to remark, in order that the public may be able to judge of the spirit of those who have been my persecutors, and of the strong delusion which seems to be sent upon them, that they profess to have seen visions, and to have had particular revelations from heaven upon this subject, which have been publicly proclaimed in their meetings by Jonathan Harris, and I believe one or two others. The vision was after this manner: a fiery flying serpent was distinctly seen by them flying firstly over Col. Lathrop's distillery, and afterwards passing the house of old Mrs. Rathbone, and then wending his way through the air to the house of Jonathan Harris, when the said serpent dove down the chimney into the fire, and was then and there dispatched by the said Jonathan. The serpent they interpret to be Mr. Whittlesey of course. Reader, are your risible faculties excited? I have not told the story for that purpose. What I have related is the truth, as I have been informed by respectable persons, who have attended their meetings and heard the statements of said Jonathan. I now ask was the credulity of the public ever thus taxed since the days of Roger Mather and the Salem witchcraft? Jonathan is remarkable for his egotism, spiritual pride, ungovernable temper, and uncompromising hatred and revenge towards his supposed enemies, and, in the language of Pope, "he deals damnation round the land on each he judges his foe."

Specification Second on Charge First. In stating to

Mathias W. Baker, that Joseph Hilliard had or would give a deposition in your favor different from the one given to Joseph M'Gregory, Mathias W. Baker, called to testify, he said that Whittlesey told him that Joseph Hilliard and others had or would give a different deposition from the first given to Joseph M'Gregory.

CROSS EXAMINED.

About what time did this conversation take place? In sleighing time. Whittlesey came in a sleigh. Mr. Brown was present and heard the conversation; read a letter from Doctor Rogers, to convince me that I ought to give one more favorable to him.

Under the First Charge, First Specification.

Mathias W. Baker, called and testified that he never gave a second deposition to Whittlesey; he requested me to do so, sent a justice to take another; I refused to give. He said that was out of his reach, he wanted to convince me by a letter from Doct. Howel Rogers, that I ought to give another. I did not think he needed another. W. read the letter. I said if the letter was true he was not to blame, but that I did not see that public opinion was altered. Did not give one.

Rebutting testimony on the first and second specifications of the first charge.

David P. Otis, Esq., testified. Elder Whittlesey called on me three years ago or so, and wished me to take certain depositions for him; among the number was Capt. Joseph Hilliards; he was at home. Elder Whittlesey went with me to Capt. Hilliards, he rather declined giving a deposition, as he had given one to J. M'Gregory, and did not

wish to give another. Whittlesey said he should summon him; we summoned him and tendered money, and Hilliard gave a deposition at Mr. Pratt's.

Did you hear the testimony of Joseph Hilliard yesterday?

Ans. Yes.

Did any such conversation as stated by him between Hilliard and Whittlesey, take place?

Ans. Not to my recollection; I went and came with Mr. Whittlesey.

CROSS EXAMINED.

Did you hear all the conversation between Hilliard and Whittlesey?

Ans. Should think I did.

Ques. Are you confident there was no other conversation than what you heard?

Ans. There was not at that time, might have been at some other time.

An extract from the deposition of Hilliard contained in the answer to the 4th interrogatory was here read.

Here follows the two depositions of Joseph Hilliard, who testifies that they are *both alike*, before the ecclesiastical council—and I am charged with *falsehood* for saying that he, Joseph Hilliard, *had* or *would* give one different from the one given to Joseph M'Gregory. The first deposition the reader will notice is given to Joseph M'Gregory, and sworn to before A. R. Park, Esq., on the 30th day of March, 1842, and attested to as a correct copy by Richard Bliss, Clerk of Hampden County. The second deposition is given and sworn to before David P. Otis, Esq., on the 6th

day of February, 1843, more than eight months afterwards and likewise attested. I ask the reader to compare them with each other, and then compare them both with his testimony before the Ecclesiastical Court. The interrogatories to each of the depositions will be found affixed.

The deposition of Joseph Hilliard of Salem, in the County of New London, and State of Connecticut, taken on oath in answer to the interrogatories and cross interrogatories hereunto annexed. Answers to the direct interrogatories. To the first direct interrogatory the witness saith that he is 61 years old, is a farmer and has been a Constable, and Collector, and belongs to the Episcopal denomination.

To the second direct interrogatory ; witness says, he is acquainted with John Whittlesey, the plaintiff in this case, has known him between twenty and thirty years, has lived within a quarter of a mile of him, between twenty and thirty years, and has often done business with said Whittlesey.

To the third direct interrogatory witness says ; that the common report, in regard to the character of John Whittlesey, in relation to chastity, is *much against him*.

Answers to Cross Interrogatories.

To the first cross interrogatory, witness says ; I reside in Salem, in New London County. And have for the last five years. Witness has lived within a quarter of a mile of said John Whittlesey between twenty and thirty years, and done business with him. Witness's acquaintance commenced about twenty five years since. Said John Whittlesey resided in Salem when witness became acquainted with him. Witness has had little, or no inter-

course with said Whittlesey, for five years past. To the second interrogatory; witness says, he knows said Whittlesey's personal reputation; and have derived my knowledge of his reputation, from the speech of people for the last fifteen years; which witness has heard, was told as knowledge and did not relate to any particular transaction, but to many.

To the third cross interrogatory; witness says, he has had some difficulty with said Whittlesey. No one has called on witness recently in relation to this matter. There was no one present at the taking of this deposition except the Justice, his clerk, and myself.

JOSEPH HILLIARD.

State of Connecticut, }
County of New London. } ss.

On this 30th day of March, A. D., 1842, before the subscriber, one of the Justices of the Peace, within and for said County of New London, personally appeared the above named Joseph Hilliard, and being duly sworn, and examined upon the several interrogatories, and cross interrogatories, hereto annexed; made and subscribed the foregoing answers thereto; and I certify, that I have conformed in all respects to the directions of the commission hereto annexed.

A. R. PARK, *Justice of Peace.*

1. What is your age and occupation? What offices have you held: or do you now hold? To what religious denomination do you belong?

2. Are you acquainted with John Whittlesey, the plaintiff in this case? How long have you known him? What have been your means of knowing him?

3. What is and has been the reputation of said Whittlesey, in the community, for chastity ?

H. & G. MORRIS, *Deft's Attys.*

Hampden, ss. Clerk's office C. C. P., March 19th, 1842,
filed this day.

Attest.

RICHARD BLISS, *Clerk.*

Cross Interrogatories.

1. Where did you reside ? Where has been your residence for five years past ? What opportunities have you had for an acquaintance with the Rev. Mr. Whittlesey ; and when did the acquaintance commence ? Where did he reside, when you were acquainted with him ? State what intercourse you have had with him, for five years past ; and upon what occasions you have met him, or had any business with him, or any conversation with him ? Have you had any personal acquaintance with him ?

2. If you speak of Mr. Whittlesey's reputation ; state whether you can swear, that you know his personal reputation ; and from what source you have derived your knowledge ; at what time you gained it, and in what manner ? Was what you have heard, told as knowledge or suspicion ? Did it not relate to a particular transaction ?

3. Have you, at any time, had any difference or difficulty with Mr. Whittlesey ? Has any one called on you recently to talk with you on this subject ? If so who, and when, and whether it was the defendant, or an agent of the defendant ? If so, state what was said. State who were present when you give your testimony.

CHAPMAN & ASHMUN, *Atty.'s to Plff.*

Hampden, ss. C. C. Pleas. Feb. Term, 1842.

Opened in Court 10th day of Term, and filed 11th day.
Attest.

RICHARD BLISS, *Clerk.*

(Copy.) Attest, RICHARD BLISS *Clerk, C. C. Pleas.*

The deposition of Joseph Hillard, of Salem in New London county, taken according to the foregoing commission.

To the first direct interrogatory the deponent saith, he has as much as he has got now ; he did not derive any of his knowledge from M'Gregory or his agents. M'Gregory asked him, the deponent, if he was asked the question what the common report was respecting the plaintiff's chastity, he told him if he was summoned and obliged to testify, he should tell the truth, until then he should not say any thing.

To the second direct interrogatory, the deponent saith, by Appleton R. Park, Esq. Park read the questions, and Daniel Bulkley wrote them down ; as near as he can recollect the question was asked what the common report was as to Mr. Whittlesey's chastity ; he answered *rather against him*. The question was then asked whether the reports were mere flying reports, or correct. The answer was pretty correct. He further says, that the deposition was read to him after testifying. He did not look at it himself.

To the third direct interrogatory the deponent saith, he knows nothing against his character for morality and chastity. He now says, his answer is the same, as before related. He knows not but that it is perfectly good. To the first indirect interrogatory the deponent saith, he derived no knowledge from M'Gregory or his agents. To the third indirect interrogatory the deponent saith, it has not. The plaintiff's wife applied to him once on the subject.

To the fourth indirect interrogatory, the deponent saith there has no person said any thing to him respecting the plaintiff's chastity, or his giving this deposition.

JOSEPH HILLIARD.

New London County, ss. Salem, sworn to the 6th day of February, 1843, before me,

DAVID P. OTIS, *Justice of the Peace.*

1. Have you given a deposition for M'Gregory in this case? If so, what knowledge had you of the reputation of Mr. Whittlesey at the time? And did you derive any part of your knowledge from Mr. M'Gregory, or his agents? What did they say on the subject?

2. By what magistrate was the deposition taken? In what manner was it taken? State particularly, and also state what you testified, and whether the deposition was written according to your statement.

3. What knowledge have you now, in regard to said Whittlesey's reputation for chastity, and his moral character generally? What do you now say as to his reputation in these respects?

4. Do you know any thing else of use to the plaintiff in this case? If so, state particularly.

CHAPMAN & ASHMUN, *Atty.'s to Plff.*

Defendant objects to evidence of what was said by others, under the first interrogatory, as hearsay. Also to 4th interrogatory, as too vague and indefinite. Also, to evidence of reputation, unless in respect to chastity.

H. & G. MORRIS, *for Defendant.*

Hampden, ss. Clerk's Office C. C. P., filed January 11th, 1843.

Attest,

RICHARD BLISS, *Clerk.*

Cross Interrogatories.

1. If you answer to the direct interrogatory, that you derived any part of your knowledge of said Whittlesey's reputation for chastity from said M'Gregory, or any of his agents, state when you so derived it, and if from any supposed agents of M'Gregory, state what knowledge you have that they were his agents.

2. If you answer to the direct interrogatory, that your testimony was not taken down as you stated it: state the particulars in which it differed.

3. Has a copy of your former deposition, or any part of it, the substance of it, or any part of it been shown or read to you, or has the same been in any way communicated to you? If yea, when, how, and by whom? If in writing, annex a copy. If verbal, or by writing out of your possession, state what it was, as nearly as you can; and if written, state what has become of it. Has said Whittlesey, or any persons on his behalf, applied to you respecting the deposition you have given for the defendant? If yea, how many times, and who applied?

4. Have any communications, either written or verbal, been made to you by the plaintiff, or any one on his behalf respecting his chastity, or about your giving the present deposition? If yea, when, and by whom, and how many times?

H. & G. MORRIS, *Attys. of Defendant.*

(Copy.) Attest, RICHARD BLISS, *Clerk C. C. Pleas.*

REMARKS.

The question now arises, are the two foregoing depositions *alike* or *at all alike*? Joseph Hilliard testifies before the ecclesiastical counsel that they *are* alike. Read

the first and second answers to the different depositions, and see if they are *at all* alike. But, says the objector, the main thing is, whether he testified the same in both depositions with regard to your moral character? Well, then read the answer to the third direct interrogatory in the last deposition, in which he says he knows nothing against his character for *morality* or *chastity*; and likewise his answer to the second cross interrogatory, in which he says he *knows* said Whittlesey's personal reputation, and tells how he has obtained his knowledge; and likewise the answer to the third direct interrogatory of the same deposition, and then read his testimony before the triors, in which he says he had not altered his mind; and then, to cap the climax, read the testimony of D. P. Otis, Esq., and if that is not sufficient, read the deposition of this same Joseph Hilliard, where he swears, in answer to the fourth indirect interrogatory, that there has no person said any thing to him respecting the plaintiff's chastity, or his giving this deposition; and then look at his evidence before the triors where he testifies that he had a long conversation with the plaintiff before he gave that deposition. I leave it. Comment is unnecessary. May God, in his infinite mercy, forgive and save him.

As to what Hilliard testifies with regard to what I said to Baker, it may be proper here to state, that said Baker never gave but one deposition, and *that* was given to me, and it was in my favor, and it is hardly probable that I should have told Hilliard that he, Baker, promised to give me a deposition different from the one given M'Gregory, when he had never given him, M'Gregory, *any*. At least, I think the public will require some other proof after reading the foregoing testimony.

We now pass to specification fourth, in which Joshua Pratt is the principal witness, to prove my having walked with the two young ladies in question, for the denying it could certainly be no crime if I did not walk with them arm-in-arm as related; he was the only witness to prove that I did; and I brought five good and respectable witnesses

before the conference to prove that it was not the case—which will be found in an account of my second trial before the conference; but the conference, it seems, set aside the whole five, and believed the testimony of Mr. Pratt. This has created vast astonishment in the minds of all the community, as well it might. Mr. Pratt intimates that his feelings were much hurt at seeing me walk arm-in-arm with the ladies. Now, would it be believed that this same professedly pious man, while a member of this church and a class leader, would go to a house where a young woman was at work, and get her out under the fence with him in the evening under the cover of night, and remain with her alone from half to three-fourths of an hour. I am prepared to prove this by as good and respectable witnesses as can be found in this town, or elsewhere. But if the Methodists in this church are disposed to keep him in without trial, they can do so; but I repeat, that I am prepared to prove every word of the above, and will do so whenever called upon, either by a *civil* or *ecclesiastical* tribunal. And this is the man who was so shocked at seeing me walking arm-in-arm to a religious meeting with two young ladies. Verily, the frailties of the human heart are astounding.

Specification Fourth. In denying having walked with two young ladies, as stated by Brothers Pratt and Harris.

Moved to take up the fourth specification under first charge. Wm. De Wolf, called to the stand. Whittlesey, came to my house about the 1st of October, last; brought some letters and writings, to show to me and my family, which he wrote to Brother Harris, and Sister Pratt; other writings, he had with them: commenced a conversation about a difficulty in the Church, and asked what ought to be done; I said Brother Harris, thought best to appoint a committee, and send up to the North, and find out if there was any truth in the reports from that quarter: the conversation went on, Whittlesey asked what the society had against him. I said some did not want to hear him preach. Brother Latham, was one. I then stated that

Brothers Harris and Pratt, said that they saw him lock arms and walk with two young ladies up to Mr. Thompson's meeting. Whittlesey, denied walking with them in that way to Thompson's meeting: and said that Brothers Pratt and Harris, never saw him lock arms with them, but said he walked with them from his house, as he would with two men; and the Rev. Mr. Thompson, took them in his carriage and brought them home?

CROSS EXAMINED.

When did Mr. Whittlesey say this took place?

Ans. Nothing was said as to the time; Brothers Harris and Pratt, said that Miss Collins, was one going to Thompson's meeting in the evening.

Jonathan Harris called and testified. I was at Brother Pratt's three or four years ago; went from there to Mr. Thompson's meeting house; Brother Whittlesey came out of the west room at Brother Pratt's with two young ladies: myself, and Brother Pratt went out. I went first and Brother Pratt followed, and Brother Whittlesey and the two young ladies. After we got out, the two young ladies and Brother Whittlesey fell back in the rear; we walked on up to the meeting house. After I got to the meeting house, I halted and Brother Whittlesey and the two young ladies came up to the meeting house. Brother Whittlesey between them locking arms with them. About a year ago, I met Brother Whittlesey in Brother Pratt's shop. The subject began to be agitated about the stories, and Brother Whittlesey commenced on evil speaking; thought the Brethren did wrong in saying what they did; he asked if I ever saw any thing out of the way in him. I then referred to the time of walking with these two young ladies. Said he, I guess I did not lock arms with them, did I? I told him I guessed he did. Said Mr. Whittlesey I hurt myself a great deal about that time, said he, the people were talking about me, and so many stories were told about me, that I thought I would hump up my back, and let them know what I could do.

CROSS EXAMINED.

In the edge of the evening, pretty dark. They were some distance from me. Cannot tell, if after this I gave a deposition in Mr. Whittlesey's favor. Cannot tell what year this occurred. Cannot tell who the young ladies were, was informed they were the two Misses Stebbins, did not see them lock arms till they came up to the steps of the meeting house. Could not tell whether Brother Whittlesey had their arms, or they had his.

Joshua Pratt called—testified: I recollect seeing Brother Whittlesey walking with two young ladies. Mr. Thompson had a meeting appointed at a School House, near a place called Dark Hollow; there were some ladies boarding at my house; one of them Jane Stebbins, the other called herself Jane Maria Collins. Brother Whittlesey came to my house and invited them to go to meeting; I was going also; we started from my house and went forward toward the place of the meeting; I was not at any time to exceed a rod from them from the time of starting till we got on the ground; Brother Whittlesey and the ladies walked upon the west side of the turnpike; part of the time while they were walking, I observed, and I knew well my feelings at the time, that Brother Whittlesey was arm-in-arm with them; they walked in this manner to the house appointed for meeting; the meeting was closed, and Mr. Thompson gave them an invitation to ride in his carriage, and they got in and rode to his house, and then got out and came to my house; I dont recollect of any conversation with Brother Whittlesey on this subject.

CROSS EXAMINED.

I cannot recollect as to the time; it was when they boarded at my house; Mr. Park boarded there at the same time; it was an evening appointment; should say about early candle light; not a dark evening; I believe I have given a deposition in favor of Brother Whittlesey since.

Hannah Pratt, wife of Joshua Pratt, testified: I recollect that Jane M. Collins and Jane Stebbins went from my house with Brother Whittlesey.

CROSS EXAMINED :—Did not see them lock arms.

REMARKS.

In referring to the testimony of Jonathan Harris, it will be seen that he distinctly testifies that he "*was informed that the young ladies in question were the two Misses Stebbins.*" He likewise testifies that he "*cannot tell* who the young ladies were ;" while Mr. De Wolf testifies that Mr. Harris told him that one of the young ladies was Miss Collins. Now I ask, candid reader, how Mr. Harris could tell Brother De Wolf who they were, when he testifies he did not know ? Or, how he, Harris, can say that he cannot tell who the young ladies were, when this same Harris testified at the same time that he had been told who they were, and therefore must have known ? All three concerned are brethren in the church ; there must be falsehood somewhere. But, says one, there may be a mistake. Stop, reader ;—they allow of no mistakes. Recollect this very charge is one on which I was bound over, viz., for saying that I did not lock arms—which alleged circumstance took place five years ago. It appears that the committee would not believe that I *might* have *forgotten* or Mr. Pratt be *mistaken*. According to the principle upon which I was dealt with, if Mr. Harris takes up Mr. De Wolf first, Mr. De Wolf must walk the plank ; because the accuser is allowed to testify, and as the one testifies entirely different from the other, and a mistake cannot be plead in excuse, I see no way but the one who complains must be sure to beat the defendant.

I would here beg the indulgence of the reader while I introduce the deposition of Joshua Pratt, given after he saw me walk, as he says, with the ladies. His opinion is clearly expressed therein ; and if he thought that I was a bad man, would he have given it ? The reader will readily see in Pratt's testimony before the committee that notwithstanding the horror that overspread his mind at the sight that he beheld of the heinous crime that I had committed in locking arms with two young ladies in passing up to a religious meeting, he never once admon-

ished me therefor according to the gospel rule, although more than five years have passed away since it occurred ; nor is there the least allowance made for the possibility of a mistake in him or me, relative to the position in what manner we walked ; but Pratt was considered as speaking truth, and myself guilty of deliberate falsehood. The time testified to by J. Harris, in which he speaks of my going to the Presbyterian Meeting House with two young ladies, I remember nothing of, nor did I ever deny it. I have often been to meeting there, and the Rev. Mr. Thompson and myself have united in religious worship together, and I have walked to the house of God in the street at the same time when young ladies were in the street, nor should I have remembered the other at this remote period of time, had not the meeting been at some distance at a school house, where meetings are not often held, and the circumstance of the travel being bad, and the young ladies being very desirous to go, one of whom was a member of the church of that order, and the Rev. Mr. Thompson kindly inviting them to ride, as it was muddy walking in the month of April—five years last April.

NOTE.—The following questions apply to all the depositions excepting Joseph Hilliard's, and one of M. A. Pratt's.

Interrogatories.

1st. How long have you lived in said Salem ? What is and has been your occupation ; and what is your age ? What offices do you hold, or have you held ; and to what religious denomination do you belong ?

2d. How long have you known Mr. Whittlesey, the plaintiff ; and how near to him have you lived ?

3d. What is and has been the reputation of said Whittlesey in respect of moral character ; and especially his character for chastity, and his standing in the community ?

To be put to a part only. Is said Whittlesey a married man ? How long has he been so ?

John Whittlesey vs. Joseph M'Gregory.

Hampden, C. C. P., Dec. 9th, 1842.

Cross interrogatories filed by the defendant to be put to each of the deponents named in the interrogatories filed by the plaintiff, to accompany a commission to take the depositions of Charles Thompson and others.

1st. Are any of the other witnesses named in the direct interrogatories of the same family with yourself? If yea? State their names.

2d. In speaking of the plaintiff's chastity, in answer to the third direct interrogatory, did you intend to express your own opinion in regard to his chastity, or the opinion of the community?

3d. Can you swear that you know his general reputation in respect to chastity throughout the town in which you reside? Or is your knowledge of it confined chiefly to your own neighborhood?

4th. Can you swear that you know the general reputation of the plaintiff for chastity, in any other town or towns besides that in which you reside? If yea? Name all such towns, and state your means of knowing his reputation for chastity in those places.

5th. Had not the chastity of the plaintiff been questioned or doubted prior to July, 1841? And were there not imputations against it, or reports unfavorable to it prior to that date?

6th. Have any communications, either written or verbal been made to you by the plaintiff or any one on his behalf, on the subject of his chastity, or about you giving the present deposition? If yea? When, and by whom.

8th. In what house or other building is this deposition taken? Who is the occupant? Name all the persons who have been present during the whole or any portion of the time while you have been giving this deposition? Has the plaintiff been at or about the place when you have been giving this deposition during any part of the time? Have any of his family or agents been there?

9th. Has the Justice been present during the whole time

while you have been giving your deposition? By whom have the questions been read to you? By whom have your answers been taken down? Have any other questions been put to you respecting the subject matter of this deposition; or any explanations or suggestions been made to you on the subject, while you have been testifying or at any other time? Have your answers been put down in your own language as expressed by yourself; or in the language of the person writing them, or some other person?

A true copy. Attest, RICH'D. BLISS, *Clerk C. C. Pleas.*

The deposition of Joshua Pratt of Salem, in New London county, taken according to the foregoing commission. To the first direct interrogatory the deponent saith; that he has lived in Salem over twenty-seven years; his occupation is and has been that of a blacksmith; his age is sixty-one years; that he holds the office of sealer of weights and measures, and has had that of grand juror for several years: that he belongs to the Methodist Episcopal denomination of Christians.

To the second direct interrogatory the deponent saith, he has known Mr. Whittlesey, the plaintiff, forty years, and has lived within a short distance of him for twenty-seven years.

To the third direct interrogatory the deponent saith, his reputation for chastity, and his standing as a christian and a gospel minister, and his moral character in all respects, has been and is as good as that of any man in the community.

To the fifth direct interrogatory the deponent saith, he is and has been for more than forty years.

To the first indirect interrogatory the deponent saith, that Caroline M. Pratt and Mary A. Pratt, named in said commission, are his daughters, and the only members of his family named therein.

To the second indirect interrogatory the deponent saith, that he intended to express the opinion of the community as well as his own.

To the third indirect interrogatory the deponent saith, that he intended to speak of the plaintiff's reputation throughout the town in which he resides.

To the fourth indirect interrogatory the deponent saith, that he knows the reputation of the plaintiff for chastity to be good in the towns of Colchester, Montville, Bozrah, and Lyme, and that he derives his knowledge from often having heard him preach in those towns, and having been with him there and known the favorable reception given him there, and the great success of his preaching there.

To the fifth indirect interrogatory the deponent saith, there was nothing, prior to July, 1841, which could or did weigh at all in the public mind against the reputation of the plaintiff for chastity.

To the sixth indirect interrogatory the deponent saith, he has.

To the seventh indirect interrogatory the deponent saith, there has never been any made to him by any one.

To the eighth indirect interrogatory the deponent saith, at my own house; no one has been present during the time of taking my deposition, save the justice who took it; neither the plaintiff or any of his family or agents were there, or about there any part of the time.

To the ninth indirect interrogatory the deponent saith, that the justice has been present during all the time of taking his deposition, and no other person; that the questions were read to him by the justice in their order; that no other questions have ever been put to him about the subject matter of this deposition; and that no suggestions or explanations have been made to him while testifying or at any other time; and that his answers were expressed in his own language, and taken down by the justice.

JOSHUA PRATT.

New London County, ss. Salem, sworn to this 27th day of December, A. D. 1842, before me,

LEVI H. GODDARD, *Justice of Peace.*

(A true copy.) Attest, RICHARD BLISS, *Clerk C. C. Pleas.*

Committee of Inquiry adjourned for three-fourths of an hour.

The Committee of Inquiry met according to adjournment at 2, P. M. Took up the fifth specification—an extract from a letter written by J. Whittlesey to Josiah Ellsworth, of Ketch Mills, dated Feb. 19, 1845; also a copy of the original letter from Brother Whittlesey to Brother Ellsworth, attested by Nathan Minard, Esq., as a true copy, were read. Specification laid over till other witnesses arrive.

Took up the third specification, which states :

Specification Third. In stating to Mark Dodge that Elias Harvey had agreed to give a deposition in your favor different from the one given to Joseph M'Gregory.

A written testimony from Elias Harvey, was received and read by the Secretary :

"This is to certify, that the Rev. John Whittlesey, of Salem, met me on the road or highway between Mr. Pratt's shop and Orramel Whittlesey's dwelling house, and said to me, that my wife and myself had testified against him in the case of M'Gregory; I said to him I did; as to the general report of Mr. Whittlesey as to chastity, &c., that I knew nothing against him personally; he then asked me if I was willing to counteract that deposition, could I be satisfied that I was wrong; I said yes—always hoped that I should be willing so to do with all men; he then read a long letter, or a copy of one, from Dr. Howell Rogers, stating he had been his physician for a number of years, and stating some particulars; I did not consider that doing away with public opinion, nor did I ever agree to sign any thing to counteract what I had done until I was convinced to the contrary of what I had done, which I am not, nor never have been. This written by me as the truth, as near as I can recollect. Colchester, May 2, 1845.

"Yours respectfully, ELIAS HARVEY, JR."

Mark Dodge called—testified: admitted the specification by Whittlesey's counsel, and claimed that it was true that he had told Mark Dodge what was alleged.

Orramel Whittlesey called—testified: at the time of the conversation between Mr. Elias Harvey and my father, I

was standing on the corner of the off-set wall, at the north end of my house ; hearing conversation, went up there to him ; father was reading, or rather talking, to him about the letter of Dr. Rogers, given to my father in regard to disease of the spine ; Harvey said he had every confidence in Dr. Rogers, and whatever he said he should believe ; father asked him if he was willing to give a deposition in his favor, and he said he was.

CROSS-EXAMINED.

Don't know if Mr. Harvey ever did give a deposition.

Elias Harvey, Jr. called : Heard he had been laid in the lie, and had come down to see about it ; I did not agree to give W. a deposition, only conditionally ; I told him if that letter from Dr. Rogers was a true letter, and it looked like his hand-writing, I did not see why he, Whittlesey, should be blamed ; told him I thought much of Dr. Rogers, but I did not agree to give him a different deposition, only conditionally.

Here Orramel Whittlesey rose to explain, and said he did not mean to lay Mr. H. in the lie, but he thought Mr. Harvey was mistaken, and must have forgotten a part of the conversation.

REMARKS.

Reader, the evidence on this charge is all before you ; and would you believe, can you believe, that this is one of the three on which I was brought in ; (I wish the reader distinctly to bear in mind, that only three of the specifications or charges brought against me were sustained, even in the eyes of a portion of this prejudiced committee, for on neither of the specifications in which I was brought in were the committee agreed,) and that these three specifications were the most frivolous of any of those against me. I say frivolous. To be sure the charge of lying is a grave one ; but then it is years since, and Mr. Harvey might have forgotten in reporting a conversation that took place years ago. If there were twenty witnesses, scarce any two would remember alike. But how stands the testimony in *this* case ? put it in the worst light we can, I

assert that Mr. Harvey told me thus and so. My son Orramel testifies that he was present and heard the same conversation; but the committee decide we are both guilty of falsehood, and that Mr. H. cannot possibly be mistaken. I believe this is the first time (to say the least) that my *son's* character for truth was ever called in question; but as this imputation seems to be thrown upon him by the committee, I will here state (not boastingly but in order to show his standing in the community) that I believe he has held, and so far as I know, honorably sustained the offices of Justice of the Peace, Post Master, and Member of the State Legislature from this town, where he has resided for nearly thirty years.

We now proceed to charge first, specification sixth. In denying having altered certain depositions. Likewise to charge third; In causing certain depositions to be altered. They will both be considered under one head, as the evidence for the one, is the same as the other.

It might be well here to state, that none of the depositions taken by Esquire Lamb, were ever used; they having been taken in accordance with the laws of the State of Connecticut, whereas, they should have been taken in accordance with the laws of the state of Massachusetts; they consequently were all taken over again by Justices Otis and Goddard; and that these depositions are the only ones in question.

This specification and charge, in the opinion of the committee, were not sustained; the falsehood being too glaring for the eyes of even the committee.

Specification Sixth on Charge First, now taken up. Henry M. Kelley now called to testify to this specification, which reads thus:—In denying having altered or caused to be altered, certain depositions.

In the year 1841, Mr. Whittlesey either came or sent his youngest son Henry, I think it was to me; and he asked me if I would write depositions for his father; I said I would; and went to Mr. Whittlesey's in the evening that he appointed for me to come there; there he told me he

wished me to go with Squire Lamb, who was at that time a magistrate in this town, and to assist him in taking a number of depositions in a case then pending between Mr. Whittlesey and Mr. M'Gregory of Long Meadow. 1st. Mr. Lamb and I went around the neighborhood in order. 2nd. Mr. Lamb had a commission to take depositions from the court. 3rd. To take the depositions, we went to the houses of the deponents; the depositions were taken by interrogatories and answers; after they were taken they were taken to the house of Orramel Whittlesey, and in the absence of Mr. Lamb, they were altered by the order of Mr. Whittlesey. Mr. Whittlesey would have the interrogatories written on a piece of paper, and the answers underneath; he would then order me to leave a line or two between the answer of the last and the interrogatory of the next; Mr. Whittlesey would then, after they were taken to Orramel's, erase out something of the answer and insert something of his own composition, or of his son Orramel, who used generally to sit by and order him what to write. The answer to one particular interrogatory he would alter almost always. This interrogatory read like this; have you ever heard unfavorable reports as to the plaintiff's character for chastity. The answer to that was, I have, in almost every case; then he altered it by adding to it, but from no other source than from his enemies, and once in awhile from his political enemies. Another way of altering was, when we started from the house, he would have the interrogatories written, interrogatories direct and indirect; he would then have the interrogatories read in the presence of the deponents, and he would ask me to write the answers upon another piece of paper; then having the answers upon another piece of paper, he would, after he came to Orramel's, then write off the answers from the other sheet of paper, and put them into the other sheet that had the interrogatories—the name of the deponent he would have written upon the paper that had the interrogatories without the answers; deponents did not sign the paper that had the answers upon it; the

oath was administered previous to deposing ; the justice finished the depositions after altering them at Orramel's ; depositions were not, to my knowledge, read to the deponents after alteration ; I was Mr. Lamb's clerk at the time.

CROSS EXAMINED.

Witness, an Englishman ; been in this country eleven years last November or December ; am not on terms of common friendship with Mr. Whittlesey ; think the depositions altered in March, 1841 ; cannot say what depositions were altered. I have seen Mr. Lamb sign and seal, and write the directions on the outside of the package ; have not said whose depositions were altered. May have said, I thought whose were altered. The justice did not know they were altered ; was not under oath as clerk of the justice ; Mr. Lamb took the depositions ; Mr. Lamb certified that the depositions were taken according to the commission from the court ; Mr. Lamb did not read them to my knowledge when he sealed them. I did not tell the justice the depositions were altered, because it was none of my business ; it was a year before I told of this alteration ; I think to Mr. Harris ; Mr. Lamb read the questions ; I wrote them on another paper, and afterward copied them. *I have since given* a deposition to Mr. Whittlesey, certifying to his moral *character* ; have given two depositions for him ; the last given after the purported alterations of depositions ; have not said I would injure Whittlesey all in my power.

Ques. Have you not said that we should have done no more about preferring charges against old Whittlesey, had he not come against you to Mr. Pratt, but now it should go ahead at any rate, as you had good backers ?

Ans. No.

Ques. Have you not said that Mr. Whittlesey was as wicked a man as there was out of hell ?

Ans. I said, that if a certain report was true, Mr. Whittlesey must be as wicked a man as there was this side of hell.

Ques. Did you think there was any thing morally wrong in altering those depositions ?

Ans. I did not think of it at the time; he hired me to write, and what he ordered me to write I wrote.

Ques. Was secrecy enjoined on you?

Ans. Not at the time.

Ques. Have you had conversation with Mr. Whittlesey about altering the depositions?

Ans. Mr. O. Whittlesey once came to the shop where I was at work, and asked if I had not reported that I altered the depositions, or if I had told Sarah Harvey so; I did remember that I had told Sarah Harvey, but said I had not told others; he threatened to prosecute me, as *I had forged his name*; have not conversed with Brother Whittlesey, on this point.

Ques. Did you write the interrogatories.

Ans. I did, at Mr. O Whittlesey's house.

NOTE—This testimony was brought under the fourth charge.

Henry M. Kelly recalled—testified: at the time when I went away from the sheriff, in order to evade my deposition, I sent word to his son Henry that the officer was down, and he wanted my deposition I supposed, and I asked him what I had better do; I ran away; when I returned, Mr. J. Whittlesey had come back; I went over to his house; he was in bed; I went to him and told him the matter, and he asked me what I supposed M'Gregory wanted my deposition for; I told him I thought relative to altering depositions; we can easily get over that, he said; the court is put over to November, and when the case comes on, I want you to go to Springfield, and there I want you to swear that you were sworn as a clerk for Mr. Lamb; I said, you know I was not under oath; he said, the magistrate was under oath, and that was just the same; I said I cannot look upon it so; well said he, you was; Mr. Lamb was, and I want you to swear so; he repeated it over three or four times; perhaps not in the same words; he said that I had been sworn in a court before a magistrate, and that would answer just as well; I refused to go and swear, as I did not know that I *had* been sworn; he urged me over

three or four times, and told the reasons why he wanted me to swear.

Cross Examined:—The time was, I think the June after I wrote depositions.

Daniel Bulkley called: during the pendency of this suit of Whittlesey against M'Gregory, I assisted Esquire Park, of Colchester, in taking sundry depositions for M'Gregory in Jan. 1843, just previous to the trial of the case, which took place in Feb.; M'Gregory's agent came down into this region of country; it was suggested to him that the depositions which had been taken by James Lamb, and H. M. Kelly, as his clerk, had been illegally or improperly taken; the agent returned to Massachusetts, and obtained a commission from the court to take the depositions of H. M. Kelly and James Lamb, in relation to that subject; the commission was directed to A. R. Park; A. R. Park and myself came to Salem to take the depositions in accordance with the commission; we came first to Mr. Joshua Pratt's, where Mr. Kelly was; Kelly saw us and fled; after searching for him some time and not being able to find him, we went over to the house of Esquire Lamb to take his deposition; we were told that Esquire L. had gone to New London; we returned home the evening of the same day; we started again for Mr. Kelly and Esquire Lamb; came down the old road; we were told that Kelly was at J. Harris'; went there; found him there; family said he had gone to bed, or was going to bed; he slipped out at the back door, and gave us the slip again; we did not catch him; we then went to Esquire Lamb's; waited till he returned home, near nine o'clock in the evening; after some considerable talk in persuading, succeeded in taking Esquire Lamb's deposition; can't now exactly recollect the interrogatories to be put to Esquire Lamb; the substance of them was to the illegal taking of the depositions which he had taken; made a good many evasive answers to the interrogatories; we at length succeeded in bringing him to a point, so that we were able to get about what we wanted, and went home; we never succeeded in getting a depo-

sition from Kelly; he did not want to give it; he evaded us; I was present at the trial of the case at Springfield in February; the depositions taken by Esquire Lamb were not produced there on the trial; I understood they were withdrawn by the counsel; Esquire Lamb's testimony went to confirm the illegality of those depositions, for several reasons; one, because on some occasions Mr. Whittlesey was present himself; other illegal points were, the depositions were written out in full before they went to the deponents, all they did was to sign their names, and he swore them.

Cross Examined.:—Should think that many other depositions besides Ex-Gov. Cleveland and Ex-Gov. Peters were read; I should say fifty.

Quest. Is it not the common way of taking depositions in Conn. to write them in full, and then the deponent sign them. *Ans.* It is. But the deponent must be present when it is written; never was an enemy, and am not now to Mr. W.; have made remarks in relation to things I had heard.

Here an extract from a letter of John Whittlesey, to Jonathan Harris was read, showing that Whittlesey had denied altering the depositions. Here follows certain extracts from the letter written, September 2, 1844, to Jonathan Harris and Richard S. Lewis, two of the principal movers in this trial.

Very Dear Brethren.

After having spread out all my wants before my Heavenly Father, and told him all my trials, and having asked wisdom of him who cannot err, I have come to the conclusion, that duty calls for me to address you by letter; in doing which, I feel naught but a spirit good will to you, and all my brethren, and first I would say that thirty-eight years have rolled away since I trust God for Christ sake forgave all my sins, and thirty-five or six years of the time I have strove in my feeble way to preach the Gospel of the Son of God to my fellow creatures: to encourage believers to persevere in holiness: comfort the mourner, and alarm

the sinner to a sense of his danger, while unreconciled to God ; how far I may have been successful in my efforts, the light of eternity will disclose. Yesterday sixty-four years had passed away since first on earth I had a being. I looked back on the past, and onward to future years. I saw life fast drawing to a close ; I saw what I did I must do quickly ; hence I renewdly consecrated myself to God with all I have and am, and informed my family of this my consecration. Mrs. Whittlesey said in reply, prepare yourself for trials, for said she they will surely come. This I expected, for I well knew that trials had been the portion of my cup, and slander let loose her ten thousand tongues upon her victim : every little circumstance or occurrence of my life where the least advantage could be taken was seized with avidity and pressed into the unholy service to destroy my influence and usefulness, nor has the peculiar state of my wife's health for many years, been one of the smallest sources from which hath been drawn inferences to injure me. Every preacher that has come on to this circuit for more than fifteen years, has had his head filled with scandalous stories respecting me ; which if true, are sufficient to have excluded any man, from the kingdom of grace and glory. Who would have believed that some of those brethren in whom I had the strongest confidence, with whom I had preached, prayed, and wept, would have taken the course they have, and without authentic evidence have given credit to those vile reports, and industriously circulated the same ? Is this a gospel way of dealing with a brother ; even a criminal at the bar is never condemned till found guilty ; much less should we expect men professing a great degree of godliness to pursue so unscriptural a course, especially unless the stories come from a source of undoubted veracity ; and if I read the bible right we are not to believe a report against an Elder, unless substantiated by two or more witnesses. Do you say that you are informed by a christian that I have altered, or caused to be altered certain depositions ? I am prepared to prove the reverse. I know full well from whence such a story emanated, and I know the cause. I

have my Dear Brethren a few questions to ask you which I wish you to answer, as soon as convenient, agreeable to scripture and according to the dictates of own conscience, and as you can meet it at the judgment at the bar of God.

Quest. first, is it right to listen to and report the above story to a third person and not go to the accused? *Quest. second*, could you take more of an effectual course to injure a gospel minister, then to represent to the ministry and others, that the public were destitute of confidence in him; that they would not hear him preach, or ever worship God in the same house; and that if he spoke, or entered the pulpit, the people would leave the house; are not such reports, and insinuations calculated to do great injury? and such is the course you have taken with me. May it not be possible there is danger in offending a little one, who believes in Christ, and hedge up his way as a gospel minister and immortal souls be lost in consequence.

Quest. third, was it consistent with that charity that thinketh no evil, for you to indulge in such jealousies against my moral honesty in monied matters, as to suppose I had taken up contributions for the church, in Salem, and appropriated the same to my own use, and report those suspicions, and thereby, seek to detect me in the wicked act of fraud; and yet never mentioned the fact to me.

Quest. fourth, can you reconcile it with a conscience void of offence toward God and man, the course you have taken with regard to reports coming from my bitterest enemies, of crimes said to be committed by me, in mentioning them to others, at the same time carrying the idea that they emanated from a source entitled to credit; which reports true, or false, are calculated to do me essential injury, and suppose by your zeal with false testimony you should be able to destroy me; for without false testimony, it cannot be done. What would be gained thereby; would not the Church bleed at every pore, and satan and his emissaries triumph; and Methodism in Salem and elsewhere suffer thereby.

O my Dear Brethren, suffer the word of exhortation from a friend, whatever may be your feelings to him; a

friend whose spirit is grieved, but has no desire for retaliation ; but one who longs for peace ; I intreat of you my brethren as you love the cause of Christ, as you would not wish to injure the innocent, as you would not hedge up the way for the salvation of poor sinners. Pause ! O, pause, and consider, and ask yourselves am I taking the course I would have taken with myself in the change of circumstances ; may I not after all be hurting the oil and the wine ; had I not better go see Brother Whittlesey, and with candor, and desire for his immortal soul talk with him, and by my kind and loving acts, show him that I am his friend, and save him if possible from the snare of satan. Love will do the deed, when nothing else will ; will it not be well for me to cease to talk against him, it may do his wife good, whose feelings are now much injured. On reflection would not such a course be more to the glory of God, and better calculated for pacification and union ; would it not be more consistent with the doctrine of holiness, you profess ? It may be I am to fall by your hand, you can do me the greatest injury provided people believe you possess, what you profess. I ask is there no danger of touching the anointed of God, or doing his prophets harm ? May the Lord give me patience to suffer all his holy will, as well as do it.

Yours affectionately, *John Whittlesey.*

To Jonathan Harris and Richard S. Lewis.

Remarks. Here, in the testimony of Mr. Bulkley, we hear of the very singular phenomenon of a sworn justice of the peace, in company with his clerk, endeavoring, contrary to the spirit, nature, and tenor of his commission, to worm out of a witness, by entreaties, or threats, or in some other way, as he says, *about* what *we* wanted. Now *they* did not get *all they* wanted. Why ? Because *they* wanted to get more than the truth, as would appear from Bulkley's statement. But what business had they to act as attorneys in the case, contrary to the nature and tenor of the commission and oath of said justice, which makes it the duty of the said justice simply to read, or cause to be read,

the questions there written down, without altering the form thereof, and put down the answers in the precise words of the deponent. Were they interested? It seems so from Bulkley's testimony. It may here be proper to remark that fifty of the depositions taken by a certain justice for M'Gregory were thrown out, and the justice severely censured on the same ground by the court. Whether Bulkley told the truth, is not for me to say; it is a difficulty between him and the justice, which *they* can settle at their leisure.

REBUTTING TESTIMONY.

Alfred Loomis called. I was called to assist Esquire Lamb in taking depositions, in March, 1842; I assisted him in taking about one hundred; I took down the questions when asked by the justice; after we were through taking the deposition; it was taken by Esquire Lamb; I asked where he kept them. Witness was here dismissed for the present.

A. Loomis again called. I was present at the taking of depositions; I was present with Esquire Lamb; officiated as clerk; Justice asked questions, I took answers; in one or two instances I complained to Esquire Whittlesey of having too much writing; it would expedite business to have the questions and some of the answers before hand; some had asked to have the depositions written and they would sign them; I think that in every case where the answers were written the deponents acceded to it; John Whittlesey has not, to my knowledge, altered or caused to be altered certain depositions.

Orramel Whittlesey. No deposition was altered or amended by addition, as I was present when they were completed by Esquire Lamb, at my house, where they were sealed.

James Lamb, Esq., called. I was present, and acted as justice in taking more than one hundred depositions for John Whittlesey; Kelly might have been present at the taking of four; to the best of my recollection not more; there was no alteration of any deposition which I consi-

dered finished; I think I should have known had any been altered, as much as if they had been stolen; Kelly went as clerk to Mr. Russel Tredways.

REMARKS.

I beg leave, here, to introduce the deposition of this same Henry M. Kelly, given more than a year after the alleged alterations were, according to his statement, perpetrated, in which he swears that my moral character, in all respects, during his acquaintance, has been good; and that, in saying this, he meant to express the opinion of the community as well as his *own*. Now the said Kelly is either a perjured man, or his testimony before the committee was false. For it is impossible that my moral character should be good, and still that I should have told him to alter depositions, of which he accuses me. "Out of thine own mouth will I judge thee."

The deposition of Henry M. Kelly, of Salem, in New London county, taken according to the foregoing commission.

To the first direct interrogatory the deponent saith, that he has lived in Salem five years and over; my occupation is a farmer, and am twenty-four years of age; has not nor does he hold any office; belongs to the Methodist denomination of Christians.

To the second direct interrogatory the deponent saith, that he has known Mr. Whittlesey, the plaintiff, during his residence in Salem, and has lived within forty rods of him.

To the third direct interrogatory the deponent saith, his moral character, in all respects, during my acquaintance, has been good; his reputation for chastity never disputed until August, 1841, and then from Massachusetts; his standing in society as a Christian and gospel minister good; he has preached more or less with success, and to the satisfaction of the public during my acquaintance with him.

To the first indirect interrogatory the deponent saith, they are not.

To the second indirect interrogatory the deponent saith, I meant to express the opinion of the community as well as my own.

To the third indirect interrogatory the deponent saith, throughout the town in which he resides I can state that I know.

To the fourth indirect interrogatory the deponent saith, that he knows the reputation of the plaintiff for chastity in the towns of Montville, Bozrah, New London, East Windsor, and Vernon to be good ; that his means of knowledge are from the deponent's having been in those towns frequently, where the plaintiff has often preached, and known his reputation there, and the disapprobation the stories from Massachusetts met with in those towns.

To the fifth indirect interrogatory the deponent saith, that he never heard any reports before July, 1841, which bore the weight of a feather in the public mind.

To the sixth indirect interrogatory the deponent saith, he has.

To the seventh indirect interrogatory the deponent saith, none at any time.

To the eighth indirect interrogatory the deponent saith, at the house of Joshua Pratt ; none but the magistrate was present or about there while the deposition was taking.

To the ninth indirect interrogatory the deponent saith, that the Justice was present the whole time, and no other person ; that the questions were read to him by the Justice, and the answers by him were taken down ; and in the deponent's own language, "that no suggestions or explanations about the subject matter of this deposition, were ever made to him."

HENRY M. KELLY.

New London County, ss. Salem, sworn to this 27th day of December, A. D. 1842,

Before me, LEVI H. GODDARD, *Justice of the Peace*.
(A true copy.) Attest, RICHARD BLISS, *Clerk C. C. Pleas*.

Henry J. Newton called : I have had a number of conversations with Kelly ; heard him frequently state that he

would injure Mr. Whittlesey all he could; at Mr. Pratt's he introduced the subject; he said that the old man, meaning Mr. Whittlesey, has advised Mr. Pratt so and so; before this advice, he would have done any thing for him; now the old man will be sorry he ever said it; at another time in the shop, he stated that he believed the old man as wicked a man as any out of hell, and he should do all he could to prove him such; Kelly has often visited the shop till within a few months, and has been in the habit of expressing his feelings to me; he said all would have been still had it not been for what the old man had said about him to Pratt; now it should go through, as he had good backers; said one of them a while previous spoke of entering complaints Whittlesey; he, Kelly, told the person he had better let it alone, but now it should go ahead.

Theophilus Allyn testified: at the last camp meeting, I heard Kelly say he would injure the old man, meaning Mr. Whittlesey, all he could. *Not on minutes*—Don't you remember it, Henry, down by the bars by the camp ground? (turning to Henry Kelly,) you can't deny it.

Remarks.—H. M. Kelly, in his testimony before the committee, introduces a very foolish falsehood, in laboring to prove that I wished him to go and testify that he was a sworn clerk; if this had been true, it would have gone to show that it was the informality of his not being sworn that I feared, and not the altering of the depositions. But what will the reader think, when I inform him, that clerks of this description are *never* sworn, nor does the law require it. How very foolish and insipidly stupid must I have been, to have endeavored to induce him to swear to a foolish lie? Although I will acknowledge were I base enough to be guilty of subornation of perjury, I know of no one, (were it not for the fear of his being impeached,) to whom I should sooner apply, or with whom I should feel more sure of meeting with success; he being a man who has confessed himself guilty of burglary, and who, I am prepared to prove, has been guilty of forgery; a man whom no one knows, as he came into this county under one name, and has since assumed another; and then, if the

reader will take the trouble to look at his deposition, they will perceive that if he testified truly before the committee, he must have sworn falsely in his deposition, for he swears that my moral character is good ; when, if what he states is true, he must have known it to be far otherwise. Will the church deal with him, as the deposition was given long after the alleged alterations.

Took up charge second.—Improper familiarities with females, contrary to christian and ministerial character.

Specification First. In walking in New London with, and treating with liquor a married woman. Objected to the entire charge by the counsel for the defendant. Objection overruled by the majority of the committee.

John Latham called to testify. I was in New London six years ago this spring ; I went into Mr. Nathan Beekwith's store ; there I saw a gentleman and lady ; the gentleman called for a glass of wine ; the wine was presented to the gentleman ; he presented it to the lady ; she drank, then she handed the tumbler back to the gentleman, and he drank what was left ; he paid for the wine ; he then went out of the door ; and then I discovered who they were ; Mr. B. asked who they were ; I said it was our minister from Salem ; one of them was Mr. John Whittlesey, and the other Wm. Brown's wife, of Salem ; they then walked down by the City Hotel.

Cross Examined:—Did not know them in the store on account of their position ; I was near the door ; knew them when they were coming toward the door ; Mr. Beekwith waited on them to the wine ; I heard him ask for wine ; am not an enemy to Mr. Whittlesey ; am a well-wisher to him ; I then lived in Salem ; was not a member of the M. E. Church.

Rebutting Testimony. April 28th, 1845. Testimony, a letter from Mary E. Brown, read by the clerk as follows:—"Rev. Mr. Whittlesey : Sir, having heard it reported, that you once locked arms with me, and walked the streets of New London ; and that you treated me with liquor. This

is to certify that the foregoing report is a base and infamous fabrication, without the shadow of truth.

MARY E. BROWN."

Orramel Whittlesey called to testify. Mary E. Brown is the wife of Wm. Brown, formerly of Salem; moved to New London this spring.

Remarks.—The reader will here observe that specification eighth in charge first, and specification first in charge second, the one being for walking with, and treating with liquor a married lady; and the other for denying that I had so done, are all embraced in the following testimony, and all the evidence adduced on both specifications is there presented. Specifications not sustained.

NOTE.—As Mary A. Pratt had gave two depositions in my favor, I have taken the liberty to insert them both although but one was used at the trial. It will be perceived that they were given long after any of the alleged offences were pretendedly committed.

NOTE.—As the charges and specifications were many of them vague and indefinite, without names or dates, I applied to R. M. Lewis, my accuser for names and dates. The spirit he was of, may be judged by the following answer received in writing, two days before the trial.

"Sir, I shall give you no names or dates at present.

R. M. LEWIS."

Specification Second. Charge Second. In entering a room where a young lady was in bed, and getting on to the bed with her.

Admitted a written testimony from Mary A. Pratt, who testifies and says, that Mr. Whittlesey came to my father's house one evening and requested me to go home with him, as Mrs. Whittlesey was gone from home, and he said that Hannah was alone, and he wished me to stay all night with Hannah, and I accordingly went and slept with Hannah in the N. E. room. In the morning Hannah got up and went to the barn as I supposed to take care of the cattle, as she usually did. After she went out, Mr. Whittlesey came into the room where I was in bed, and lay down

on the bed. Just as he lay down Hannah returned from the barn; and as she came round the corner of the house I heard her, and I supposed he did; however, he left the room immediately. I then got up and went home, and I told my mother what had happened, and told her I should never stay in that house again with Mr. Whittlesey and Hannah.

And he has since that time attempted to put his hand in my bosom several times. *Mary A. Pratt.*

Question. About what time did he come to your bed?

Answer. About seven or eight years ago.

Question. Was he undressed?

Answer. He had his stockings and pantaloons on.

Took up Specification Fourth—The last part of the former written testimony, viz., "and he has, since that time, attempted to put his hand into my bosom several times.

Question. About what time was the last insult offered you by Brother Whittlesey?

Answer. About five or six years ago, and he has offered improper conduct at other times, near the time the other insult was offered.

Rebutting Testimony. Justin Rathbone of the M. E. Church called. Some time last February, I was going up to the school house to a prayer meeting; I went the turn-pike and called at Brother Pratt's; I think I fell in with Brother Tuttle before I got to Pratt's; we stopped there and talked a few minutes; all that were there went to meeting except Mary A. Pratt and myself; I said I did not know whether it was best for me to go, as there was so much conversation on other things besides religion; Mary Abby replied she knew there were many stories; she was sorry that *that* story about her and Brother Whittlesey ever went out; she did not think she ought to be blamed for Henry Kelly's stories.

Cross Examination. Never had any conversation with her at any other time afterwards; the report was about

Elder Whittlesey's going into the room; said she did not say it as it had gone out into the world.

Question. Did she pretend to say that stories were not true?

Answer. I cant tell how she meant to be understood.

Direct examination resumed. A conversation took place at Brother Pratt's before, and Mary Abby said she would tell me how it was; she said she staid at Father Whittlesey's house one night; in the morning Hannah Miller got up; afterwards Father Whittlesey came in there and sat down on the side of the bed and felt of her pulse; she said that was all that he did to her.

Cross Examination resumed. Cant tell positively when conversation took place, but it was before the other, in the day time; Mary Abby's mother-in-law was present; there might have been others.

The deposition of Mary Abby Pratt of Salem, in New London county, taken according to the foregoing commission.

To the first direct interrogatory the deponent saith, that she has lived in Salem twenty-three years, and is twenty-three years old. Belongs to the Methodist denomination of Christians.

To the second direct interrogatory the deponent saith, that she has known Mr. Whittlesey, the plaintiff, as long as she can remember any thing, and has lived within a few rods of him.

To the third direct interrogatory the deponent saith, that the reputation of said Whittlesey, in respect to moral character, has been good; that she never heard any unfavorable reports against his chastity, from any reputable source. His standing in the community is good, also.

To the first indirect interrogatory deponent saith, she is informed by the magistrate, that her father, Joshua Pratt, is named in the commission, and is the only one of her family therein.

To the second indirect interrogatory the deponent saith, both.

To the third indirect interrogatory deponent saith, throughout the town in which she resides.

To the fourth indirect interrogatory deponent saith, she knows nothing about it in other towns.

To the fifth indirect interrogatory deponent saith, none worthy of credit before that time; none from any but the lowest class in the community.

To the sixth indirect interrogatory deponent saith, she has once before.

To the seventh indirect interrogatory deponent saith, there have been none.

To the eighth indirect interrogatory deponent saith, at the house of

Joshua Pratt. No person was present or about there, any of the time while she was testifying, but the Justice who took her deposition. Neither the plaintiff, or any of his family or agents were there, or about there, any of the time.

To the ninth indirect interrogatory deponent saith, the Justice was present all the time of taking her deposition ; that the questions were read to her, and her answers taken down by the Justice ; that no other questions, suggestions, or explanations about the subject matter of this deposition, were made to her while testifying, or at any other time, and that her answers were taken down in her own language.

Mary A. Pratt.

New London County, ss. Salem, sworn to this 8th day of February, A. D. 1843, before me

LEVI H. GODDARD, *Justice of the Peace.*

A true Copy. Attest, RICHARD BLISS, *Clerk Common Pleas.*

Direct Interrogatories.—1st. How long have you lived in the town where you now reside, and to what religious denomination do you belong ?

2d Direct Interrogatory. How long have you known Mr. Whittlesey, the plaintiff, and how near to him do you or have you lived, and what is and has been the reputation of said Whittlesey, in respect to moral character, and especially his character for chastity, and his standing in the community ?

Cross Interrogatories.—1st. What is your age ?

2d Cross Interrogatory.—Are you in any way related to the plaintiff or his family ; are you, or have you ever been ; if yea, how ?

3d Cross Interrogatory.—Have you ever heard the plaintiff's character for chastity, spoken of ; have you never heard any reports unfavorable to it ?

4th Cross Interrogatory.—Has he, or any one in his behalf, applied to you in relation to your testimony on this subject ; have the direct or cross interrogatories, or any of them, or the substance of them, been in any way communicated to you before they are now communicated to you by the magistrate, at the time of taking this deposition ; if yea, by whom ?

5th Cross Interrogatory.—Who were present at the time of giving this deposition ?

The deposition of Mary Abby Pratt, taken according to the foregoing commission :—First direct interrogatory, she says, I have always lived in Salem ; I belong to the Methodist denomination of Christians. Second direct interrogatory, she says, I have known him ever since I could remember, and have lived within one hundred rods of his dwelling, and now about twenty rods. Third direct interrogatory, she says, it is good in every particular ; he is beloved and respected by all christians with whom I am acquainted ; he is what is called a revivalist, and hundreds have been added to the church through his instrumentality.

First indirect interrogatory, she says, I am now twenty-one years of

age. Second indirect interrogatory, she says, I am not, nor am I in any way connected with them. Third indirect interrogatory, she says, I have heard it spoken of often, and I have never heard it spoken against; I have heard that he has been talked about by M'Gregory, and that he was sued in Springfield; but I have never seen a person that believed the stories that he had reported about him. Fourth indirect interrogatory, she says, Mr. Whittlesey asked me if I was willing to give my deposition in favor of his chastity and morality, and I told him I was. The questions or their substance was never communicated to me until now. Fifth indirect interrogatory she says, none but the justice and clerk.

MARY A. PRATT.

New London County, ss. sworn to this 14th day of March, A. D. 1842, before me,

James Lamb, Justice of the Peace.

Joshua Pratt called. Mary Abby was baptized, I should think, about three or four years ago, by Brother Whittlesey; I know not whether by her own request, or not; can't say if she has partaken of the sacrament from him.

Ann Minard called. I have heard Mary Abby speak in favor of Brother Whittlesey; of the meeting's being very spiritual at the revival; she hated to have him gone, as the meetings were more spiritual when he was present; conversation about three years ago.

Henry P. Whittlesey. During the revival, about three years ago, I was in at Brother Pratt's one evening; on Sunday evening I think; my father was there; Mr. Pratt's family, and many of the members of the church; I should think the room nearly full; my father was telling how the stories about him had originated; Mary A. Pratt was there at the time of his speaking; she stood her back toward him; it might be three feet from him; I sat by the side of my father; after his remarks were done, M. A. Pratt turned round to him and said; "If all the world turn against you Father Whittlesey, yet I will not; you never heard of my saying a word against you in the world, nor you never will; I esteem you as my best friend; there is no one I think as much of except my own natural father; I don't know what I should have done had it not been for you." I state the conversation as near as I can recollect.

Hannah Miller called. Mary A. Pratt always spoke to me in high terms of Brother Whittlesey; often heard her speak of him; she has been at our house a great deal; I have lived with Brother Whittlesey twenty-seven years; live there now; I recollect of her coming and staying all night with me about eleven years ago, I should say. I remember the time Mrs. Whittlesey was out of health; I carried her to Colchester; M. A. Pratt has never staid at our house all night since; has been there often.

Justin Rathbone re-called by request of committee. I understood that Mary A. Pratt thought that Kelly had made the stories in question.

Cross Examined:—I suppose from what she said, she meant to deny the truth of those stories.

Deposition from Mary J. Williams introduced, and so much of it as is applicable to this case here inserted. I have heard M. A. Pratt, within three years, speak in the highest terms of praise of Mr. Whittlesey; heard her say since that time, she had rather hear him preach than any one she knew of; I have heard her frequently within three years speak of his kindness to her when she was sick; I heard her say she did not know what she should have done, if it had not been for him; she said he used to come in and cheer her up; I have also within three years heard her say, there was no one she thought more of, except her own father, than she did of him. I do not, nor neither have I for some considerable time believed Henry M. Kelly to be on par with mankind in general for truth and veracity. MARY J. WILLIAMS.

Windham County, ss. Windham, April, 30, 1845, personally appeared before me, Mary J. Williams, and made solemn oath, to the truth of the facts contained in the foregoing instrument.

Elisha Williams, Justice of the Peace.

The reader, will here notice that the foregoing specification, viz., for entering a room, &c., and specification fifth of charge second, are considered as one, and all the evidence on both specifications is here adduced; the alleged offences, being ostensibly committed upon the same person.

Remarks:—I would state, with regard to the testimony of Mary A. Pratt, that at the time she was at my house, and staid all night, which was eleven years ago, she was a mere child, between thirteen and fourteen years of age; disagreeable and loathsome in her appearance, and wasted with disease to a mere skeleton, as all my neighbors know, and which fact I can bring ample testimony to prove. She was supposed to be in a consumption, and I had not the least idea she would live but a very short time; she had a mother-in-law of whose treatment she complained most bitterly; not only to *my* family, but to others. As Mrs. Whittlesey was gone, she came to stay with Hannah. Before retiring to rest, we knelt at the family altar, and there I humbly besought the Almighty, if consistent with his will, to restore the child to health; but above all things to prepare her for that great and lasting change, which she so soon must meet. We then retired to rest. It was late in the morning before I awoke. And I will here state, as I expect to meet it at the judgment seat of heaven, that I have not the slightest recollection of going into her room at all; and I sincerely regret that under a promise of marriage to this same Henry M. Kelly, who it appears from the testimony, had promised to do me all the hurt he could, I say, I regret that she should have been induced to have testified falsely before the committee.

How little did my enemies realize, that the Almighty God of heaven and earth, has a care over his children; that he stands by them in the hour of danger and trial. That out of their own mouths will he confound the enemies of those who put their trust in him. I trem-

ble, however, when I think of the situation in which they have voluntarily placed themselves in their anxiety to injure me. But I feel that I can say in the language of holy writ. "*Rejoice not against me! O mine enemy, when I fall, I shall arise. When I sit in darkness, the Lord shall be a light unto me.*" Micah, seventh chap. eighth verse.

In closing these remarks, I will say, that I had felt it to be my duty, to watch over M. A. Pratt, for her good; and to advise her when asked so to do, from an injunction received from her dying mother, in the following words; first, "I charge you, to be kind, and see to my motherless children." This was said as she lay dying. She said to my wife, a few days before her death, in speaking of the girl, that was there, "You will see" said she, "sister Whittlesey, that although Mr. Pratt is kind to me, that every thing will go to wreck, as soon as I am gone." I have endeavored to follow the injunctions of the dying mother. I have faithfully warned her whenever I have seen her in danger; I feel that my mission is filled, as I would have it filled for me in change of circumstances. And my prayer is that she may repent of this, her dreadful wickedness, and be saved in heaven eternally. *Charge not sustained.*

The reader will perceive that after all these enormities, that M. A. Pratt testifies, were committed upon her person, she positively swears, in her deposition, hereunto annexed, that my character for chastity and morality is good in every particular, and that in saying this, she not only expresses her own opinion, but the opinion of the public. Now unless she has perjured herself, she testified falsely before the committee. There is no dodging it. Will the church look to it, or will they retain such members?

Specification Sixth. Charge Second. In sitting up to improper hours in the evening with women reported to be of bad character.

Belinda Gates testified: I was called on to go to Mr. Elias Thompson's to watch with his wife at the time she died; Mrs. Randal watched with me at the time; Mrs. Thompson's son went after Mr. Whittlesey to come and pray with them; he came and prayed with her, and sung, and went out into the kitchen; Mrs. Randal and I were left alone with the patient—the rest of the family in the kitchen; somewhere about 9 o'clock the family retired to rest, except their two daughters; Mr. Whittlesey and those two sat up in the kitchen till 11 o'clock; at this time Mrs. Randall grew impatient, and wondered why he sat up with these two girls till that time of night; I told the girls they had better watch with their mother, and let us go to bed, or else they go to bed; they then went to bed; Mary Thompson and Rosana were their names; they both have had a child; the oldest before that time—the youngest since.

Cross Examined. Quest. How long since this occurrence? *Ans.* I cannot tell. Did not go in the second time to pray with the woman; I have since given something of a deposition in his favor; I did not think his sitting up a crime; I since gave a deposition to Mr. Park

against Mr. Whittlesey ; never said my conscience condemned me for giving a deposition to Mr. Park against Mr. Whittlesey ; Mr. Park merely wanted public opinion ; no other person was up but Mr. Whittlesey and girls and watchers ; Mr. Thompson went to bed at 9 o'clock, and his son went home ; never heard any person speak very favorably of the chastity of those girls ; young men and ladies generally did not associate with them.

Belinda Gates called again by counsel for complainant. She testifies and says she was at Mr. Thompson's the night his wife died ; don't recollect that Mr. Whittlesey was there ; was present when the corpse was laid out ; went with E. Thompson, Jr. to Samuel Holmes' to borrow a mourning dress of Betsy Holmes.

Mrs. Ruth Randal. A written testimony was read by the clerk. " This may certify, that I was at Mr. Elias Thompson's at the time of Mrs. Thompson's last sickness, and watched with her, and Rev. Mr. John Whittlesey was there at that time, and sat up with Mr. Thompson's two daughters till 11 o'clock at night ; Miss Belinda Gates was with me at that time."

Rebutting Testimony. Specification Sixth. Charge Second. Elias Thompson testified : I was sent for to go to my father's ; mother was sick—dangerously so ; she requested Brother Whittlesey should be sent for to come and see her, and pray with her ; she said she was sick, and had got to die without a hope in the blessed Saviour ; she was not willing to die thus ; by request, about eight in the evening, I went for Brother Whittlesey ; I found him in the meeting house where he was preaching that evening ; told him what I wanted ; took him in my wagon and went home ; he spoke with mother, and prayed for her, and then sang a hymn ; afterwards sat down in the room ; then went into the kitchen ; Brother Whittlesey was sick with the head ache ; bathed it with camphor ; should think it was eleven o'clock before we got home ; I went to bed with him, and next morning went home with him ; she died about four o'clock in the morning ; died before we came home, the 24th March, about thirteen years ago ; father lived about two miles from here.

Cross Examined :—Have no recollection that Miss Gates and Mrs. Randall watched with my mother that night ; had three sisters at home ; did not go for Whittlesey more than once ; Whittlesey was sent for two or three days previously in the day time, but did not stay but one night at father's during my mother's sickness.

Additional testimony of Elias Thompson. There were no watchers as I recollect of ; lived about two miles from my father's ; was there every night while my mother was sick ; Brother Whittlesey was there but twice ; one day came there and took dinner, and went to Bozrah on business ; were watchers some nights ; have no recollection of Miss Gates being there at any time ; cant tell who laid out the corpse of my mother ; should think it not possible for Miss Gates to be there and I not know it.

Hannah Miller testified : I heard Miss Belinda Gates say that she gave a deposition to Esquire Park ; she said it had kept her awake nights, she felt so bad about it ; she said she knew nothing against Mr. Whittlesey ; she did not know the meaning of the words contained in the interrogatories.

Sarah Whittlesey testified : The conversation I had with Miss Gates was when Hannah Miller was present ; we had been to the school house to meeting ; she gave her deposition to Mr. Park, and she was affraid there was something in it which might militate against Mr. Whittlesey ; that she had no intention to say any thing to militate against him, for she knew nothing against him ; she said Esquire Park asked her if she had not heard evil reports against him ; she told him she had, but they had come from his political and Masonic opponents, and therefore she did not credit them ; she said also, that night she could not sleep for fear she might have said something that might be construed against Mr. Whittlesey ; there was one question she did not know the definition of his language, and she wanted to see Esquire Park ; Mr. Whittlesey, she said, she wanted to see ; he was not at home ; she said she came to see us as she could not sleep.

Levi H. Goddard testified : I took Miss Gates' deposition in the winter of '43 in favor of Mr. Whittlesey ; not as clear as some that I took ; she said she did not understand the meaning of some of the interrogatories ; I explained.

Charge Fourth. Persuading certain persons to testify to what was not true in fact.

George Walden called : Mr. Whittlesey came to my house ; I lived in a little shop of his above here ; with that paper in his hand, he spoke to me, and said, here Warge, I want you to take that paper and learn it by heart ; I took the paper ; he said, I've wrote it pretty plain, I guess you can read it ; I should think it was about the first of August a year ago ; afterwards, he said he thought he should have a case in the next September court, and I should be of some consequence to him if I could learn the contents of the paper : he called me to the court ; I did not agree to testify to what was in the paper ; I told him a part of it I could not testify to ; he did not urge me very hard to testify ; I went to New London, but was not called upon.

The paper read by the Clerk :—

I was in Norwich in the latter part of March, 1842, during the session of the Superior Court, where I saw Orson H. Wood, at which time a settlement took place between him and John Whittlesey ; I there heard Wood propose to Whittlesey to exchange a piano forte that belonged to his wife, which was then rented out at one Chapman's, in Tolland, for a piano forte which was at one Comstock's, in Tolland, belonging to Henry P. Whittlesey ; Mr. Whittlesey informed him that if his son Henry was willing to make the exchange, he should have no objection ; Mr. Whittlesey said he would talk with his son and let him know when he came up to Ellington ; Mr. Whittlesey said that he had

heard that he, Wood, had given a bill of sale of his wife's piano forte to his father; Wood said he only made it over to his father, so that in case he should not succeed in his seed business as he expected, and not get the pay for his seeds as he expected, that his creditors could not take his wife's piano forte for debt; but, said he, my father does not, nor did he ever own it, and, said he, I have my father's order in my pocket, to take the piano forte when I please from Chapman's, and presented the order; some time next month I was at Ellington with Mr. Whittlesey, and I then heard the exchange of the piano fortes talked over again by Wood and Whittlesey; Mr. Whittlesey informed Wood that he had talked with his son on the subject of the exchange, who said he was willing, provided that Wood owned the piano forte; Wood again told Mr. Whittlesey that the piano was his own, and that his father never owned it, and the exchange was made; Wood said he meant to put all his land and property into his father's hands, and professedly work for him; I understand the game, said he.

Cross Examined:—Question. To what part did you object? The conversation about the piano forte. I did not hear at Norwich, neither did I hear about the bill of sale. Did you not solicit the privilege of testifying in the case? No, sir. Did you not request Brother Whittlesey to write this out in your presence, and did he not so do? I knew nothing about it till it was brought into my house.

Polly Walden testified: Recollect very well Mr. Whittlesey coming into our house, with a paper, written in his hand, and handing it to Mr. Walden, and asking him if he could not learn that, and recite it in court; he wished him to learn every word of it, and recite it in court if he was called to New London. After Mr. Whittlesey went out, I asked him what it was, he said, a deposition, and should not testify to it, but still he went to New London; do not recollect that Mr. Walden told Mr. Whittlesey, that he should not testify to it at the time.

Cross Examined. Question. Was there the appearance of secrecy?

Answer. There was something I did not understand about it; I did not know of Mr. Whittlesey at any time persuading Mr. Walden to testify.

George Walden again called. Mr. Whittlesey did not, as I recollect, have any conversation afterwards with me, more than asking me if I had learned my lesson; I should think like as not, that Mr. Whittlesey and I had had a conversation as to what I could testify about the settlement between him and Wood; I was summoned by Mr. Whittlesey; Mr. Minard read the summons; Mr. Whittlesey tendered me the money; seventy-five cents I believe; Mr. Weever and Mr. Lewis came to me to ask me if I would come out here and testify.

Nathan Schofield testified. Four years ago this summer, one of my wife's sons worked for Mr. Whittlesey at Ellington, in a garden; the March following Mr. Whittlesey came to my house and inquired of my wife where I was; she said in the woods chopping. He came to me and said, I have got into difficulty with Mr. Wood at Ellington;

you and your boys know the circumstances, and if you will assist me I will pay you a certain sum of money, more wages than you can make at farming or any other business ; I did not wish to meddle with it ; he repeated it the second time, I want you to follow my directions, and what the boys have not revealed to you I'll direct you ; the court sat at Norwich soon after ; boys and I went there ; were examined before Esquire Foster in the evening ; next day, before the court came in, news came that Whittlesey and Wood were about settling ; he offered me \$75, and the boys \$15 each, to testify to what he told us ; some questions I did not tell ; I should think that he wanted me to testify to what I did not know to be true ; he told me the bargain between him and Wood, and wanted me to testify to it ; I had no other knowledge of it than what he told me ; he wanted me to tell this as my testimony.

Cross Examined. Question. Have you not given a deposition to Mr. Whittlesey in favor of his moral character, &c., since that.

Answer. I have given a deposition since that in favor of Mr. Whittlesey, in regard to stories about him.

Rebutting Testimony. *Took up Charge Fourth.* Gurdon O. Williams called. Mr. Schofield stated to me, that Mr. Whittlesey offered him fifty dollars to swear falsely, and his sons each a suit of clothes ; the time, I think, two years ago last July ; the general report is that Schofield's character for truth and veracity is not good.

Nathan Minard testified. The character of Schofield, in regard to truth and veracity, is not considered on a par with mankind in general. I heard Mr. Schofield complaining of Mr. Whittlesey ; Mr. Whittlesey promised to make him good for his trouble, if it cost him fifty dollars and the boys' clothes.

David G. Otis testified that his character for truth and veracity was very bad.

The deposition of George Walden of Salem, in New London county, taken according to the foregoing commission.

To the first direct interrogatory the deponent saith, he has lived in Salem about fourteen years ; that his occupation is that of a farmer ; that he is forty-one years old ; that he holds no office, nor has he held any ; that he belongs to the Methodist denomination of Christians. To the second direct interrogatory the deponent saith, that he has known Mr. Whittlesey the plaintiff, fourteen or fifteen years, most of that time lived within a fourth part of a mile of him. To the third direct interrogatory the deponent saith, that the reputation of said Whittlesey in respect to moral character in community has been good in all respects ; his chastity not disputed that I have ever heard ; his standing in community equal to any in town.

To the first indirect interrogatory the deponent saith, none. To the second indirect interrogatory the deponent saith, that he intended to express the opinion of the community together with his own. To the third indirect interrogatory the deponent saith, that he intended to speak of the plaintiff's general reputation for chastity throughout the

town. To the fourth indirect interrogatory the deponent saith, that he knows the reputation of the plaintiff in New London, Montville and Bozrah, for chastity to be good ; and he further saith, that his means of knowledge are derived from the frequent calls on the plaintiff to preach, and to attend funerals and marriage ceremonies in those places, where the deponent has heard him, and knows the favorable reception given him there. To the fifth indirect interrogatory the deponent saith, that he never heard any imputations on the character of the plaintiff in regard to chastity prior to July, 1841, nor ever heard it doubted before that time. To the sixth indirect interrogatory he saith, he has. To the seventh indirect interrogatory he saith, none whatever. To the eighth indirect interrogatory the deponent saith, at the house of Joshua Pratt. That no person whatever save the magistrate, who took the deposition was present during the taking, nor was the plaintiff, or any of his family or agents about there while the same was taking. To the ninth indirect interrogatory the deponent saith, that the justice has been present during the time of taking this deposition ; that he read the questions to him in their order, and took down his answers in writing. No explanations or suggestions were made to him at any time about the same, and that his answers were taken down in his own language.

GEORGE WALDEN.

New London County, ss. Salem, sworn to this 27th day of December, A. D. 1842, before me *Levi H. Goddard*, Justice of the Peace.

A true copy. Attest, *Richard Bliss*, Clerk C. C. Pleas.

James Gardner, testified that his character for truth and veracity, was not on par with men in general ; a common report.

D. P. Otis, testifies, when Schofield lived in this town, he told me, Elder Whittlesey, promised him twenty-five dollars to testify in court for him.

Orramel Whittlesey, testifies, George Walden spoke to my father, when I was present and wanted to be carried to New London, to go a fishing, he said he knew something of use to Henry P. Whittlesey. Walden, said if he could see Henry, he would get him to take it down in writing ; should think Walden's character not good for truth.

Henry P. Whittlesey, testified, Mr. Walden came to me and said ; I want to go to New London ; I know something of use to you ; I want you to summon me. I summoned him. I know not any thing of the writing.

Sarah Whittlesey, testified, I recollect that George Walden, reported that he knew something about Mr. Whittlesey's settling with Wood. George Walden said, I may forget ; he wished that Mr. Whittlesey, would write it down. When he mentioned what he knew, Mr. Whittlesey would write a sentence, and read it to Walden, and ask him if it was correct. Charge not sustained.

Remarks.—It is hardly necessary to say much upon the foregoing change. It however goes to prove the malice of my persecutors, to bring a man forward who had committed an offence, for which an in-

famous punishment had been inflicted, who is notorious for his drunkenness, profanity, and falsehood, and they knowing his character to be such, to convict a brother in the church, on the charge of subornation of perjury, would only be done by men combined to crush another even at the expense of truth and common honesty.

But in all this, that same kind arm which has hitherto supported and sustained me, defends and saves me harmless still. Let any one examine the testimony, and they will find that Schofield told no less than three different stories about it; first that I agreed to give him fifty dollars, and clothes for the boys; to another that I agreed to give him twenty-five dollars, and lastly testifies that I, agreed to give him seventy-five dollars; and then the whole town might have been brought to impeach his character.

As to Walden; I had no concern in the case of which he speaks; I was only a witness in the case, and had no further concern in it. Walden requested me to write down his knowledge upon the subject, and I did so; he however never was called upon on as a witness.

Took up *Specification Fifth.—Charge Second.* Sitting up to improper hours in the evening with young ladies at Brother Pratt's.

Hannah Pratt testified: Mr. Whittlesey used to come to our house and frequently stay till after 11 o'clock in the evening with young ladies that were boarding with me; had several boarders, two Misses Stebins, Jane M. Collins, Jonathan Park; he used to come in, and went through the kitchen into the room with the young ladies; he was there two evenings with Miss Collins till 9 o'clock at night; these two evenings the two Misses Stebins were at Mr. O. Whittlesey's practising on the piano forte; at 9 o'clock they returned, and Mr. Whittlesey went away.

Cross Examined. Ques. How long ago did this take place? Ans. About five or six years. I should think Mr. Park often took out his watch, and showed it to me before he went to bed, and it would be after 11 o'clock. Ques. Where was Mr. Pratt at this time? Ans. Out in the store with Mr. Park: these two evenings, he went home at 9 o'clock. Mary Bradford did not reside with me at the time of Elder Whittlesey sitting up late at my house. Charge not sustained.

NOTE.—For rebutting testimony on this charge, I would refer the reader to the depositions of the whole family, with the exception of Mrs. Pratt, viz., Joshua Pratt, M. A. Pratt, and Caroline Pratt, who must have known, had there been any thing improper in my conduct at their house, where the alleged offence was pretendedly committed. It is true I did not take the deposition of Mrs. Pratt, as she is a woman who had been unfortunate before her marriage, and I thought her not a proper person from whom to obtain a deposition with regard to chastity. She seems to be particularly unfortunate likewise in her testimony—for she testifies that Park would take out his watch and show it to her, and it would be after 11 o'clock—and when asked where Mr. Pratt was at that time, she says out to the store with Mr. Park. Now how he could be out at the store at 11 o'clock, and still in

the house with her showing his watch, is truly a mystery which people would be much gratified to hear solved. It is true that she endeavored to explain by saying that there were two evenings when I went home at 9 o'clock ; but here is another mystery—how could Mr. Park take out his watch on those two evenings and show her that it was after 11 o'clock when I went home, when it was only 9 when I left. Will the church look to it ?

The deposition of Caroline Pratt, formerly of Salem, now of New London in the county of New London, taken according to the foregoing commission :

To the first direct interrogatory the deponent saith, that she is twenty-three years old, and belongs to the Methodist denomination of Christians.

To the second direct interrogatory the deponent saith, that she has known said Whittlesey fifteen years.

To the third direct interrogatory the deponent saith, that the general reputation of said Whittlesey as a moral man, is good ; knows nothing against his character for chastity ; she derives her knowledge on that subject, from the fact that she lived several years in the same place, and that they both lived in Salem, where she acquired her knowledge about him ; she further states, that many of them who have testified against him in Salem, are his political enemies.

To the first indirect interrogatory the deponent saith, her father, Joshua Pratt, and Mary Abby Pratt, her sister, are the only ones.

To the second indirect interrogatory the deponent saith, both.

To the third indirect interrogatory the deponent saith, so far as her knowledge extends, good throughout the town in which she resides.

To the fourth indirect interrogatory the deponent saith, she knows his reputation is good in the town of Salem, and derives her knowledge from residence there.

To the fifth indirect interrogatory the deponent saith, formerly their intercourse was quite intimate, and was of a social and religious nature.

To the sixth indirect interrogatory the deponent saith, none before that time to her knowledge.

To the seventh indirect interrogatory the deponent saith, that she has once before.

To the eighth indirect interrogatory the deponent saith, none.

To the tenth indirect interrogatory the deponent saith, neither the plaintiff, or any one on his behalf, was present any of the time while she was testifying, or about there.

To the eleventh indirect interrogatory the deponent saith, that the magistrate was present all the time while taking her deposition ; that the questions were read to her by the magistrate, and her answers taken down by him, and no other questions, suggestions, or explanations about the subject matter of this deposition were made to her while testifying, or at any other time, and that her answers were taken down in her own language,

Caroline M. Pratt,

New London County ss., New London, sworn to this first day of February, 1843, before me,

LEVI H. GODDARD, *Justice of the Peace.*
Attest, RICHARD BLISS, *Clerk C. C. Pleas.*

A true Copy.

Fifth Specification—Charge First. In writing to Josiah Ellsworth, of Ketch Mills, East Windsor, that Henry M. Kelly had said that Orson H. Wood, of Ellington, had become a pious man, and had joined the Methodist Episcopal Church, and likewise that H. M. Kelly, said that he staid with O. H. Wood, three or four days and had a very spiritual time with him, and often quoted Brother Ellsworth and Brother Wood as equally pious.

An extract from a letter written by J. Whittlesey to Josiah Ellsworth, dated February 19th, 1844, also a copy of the original letter from Brother Whittlesey to Brother Ellsworth, attested by Nathan Minard, Esq. as a true copy.

Here the letter was read.

Counsel for defendant offered to prove the contents of the letter so far as regarded H. M. Kelly, to be true, and likewise offered to prove that said Kelly had been guilty of forgery. Overruled. Leave not granted.

Charge not sustained.

Rebutting Testimony.—Justin Rathbone testified: Soon after Kelly returned from the north; he said he staid to Brother Woods; he said, was a member of some society; he did not mention Ellsworth and Wood together, as being equally pious.

On the part of the complainant, Jonathan Harris was called, and testified: Two or three days ago, Rathbone told me that Kelly never said Wood was pious; all Kelly said, was to call him Brother Wood.

H. M. Kelly, called and testified: I never told Rathbone that Wood had become pious, and joined the society; have never spoken to Rathbone of Wood in any way.

Charge First—Specification Seventh. In telling Brothers De Wolf and Harris that you worked thirty days in painting the meeting-house, when it was repaired.

Jonathan Harris testifies—Brother Whittlesey told me that he had worked thirty days on the meeting-house; he was saying how much he had done; done more than any other man in the society.

Cross Examined. I think the idea was, that he worked exclusively in painting.

Joshua Pratt testified—Brother Whittlesey painted here, but, I should say, not thirty days; I was here myself three days painting and repairing the windows, and I should think, that in that time the bigger part of the inside painting had been over once and partly over again; In regard to the time that Brother Whittlesey was here I cannot say exactly, but I should think not to exceed sixteen days.

Rebutting Testimony. Sarah Whittlesey. Question. What season of the year did Mr. Whittlesey work on the meeting-house?

Answer. As nigh as I can recollect, it was in the month of Novem-

ber; should think not far from a month; he worked on the meeting-house, gallery, pulpit, painting, &c.

Henry P. Whittlesey testified—At that time I worked at my brother's and lived at my father's; was there during the week; not from Saturday till Monday; from the best of my recollection, he worked in painting, &c. over a month.

Cross Examined. Am acquainted some with painting; did not paint the outside; some one else might have done some of the painting.

Nathan Minard testified to similar as the last witness.

Took up the Seventh Specification—Charge Second. Two letters were read, purporting to be from John Whittlesey to a young lady, which the counsel for the defendant admitted, and said he wished he had a dozen more just like them. This was on a charge for writing improper letters to a female, but not sustained.

Sarah Whittlesey testifies—I think I recollect two letters my husband wrote (I was sick at the time) to the then Miss Collins, since Mrs. Wood, a little previous to their marriage; he was hoping we should go up to Somers and Mr. Whittlesey would marry them; one of the letters lay, I think, on the stand by the side of my bed, unsealed; she was supposed to have the lung fever when Mr. Whittlesey left her residence; he wrote but two letters I think; should think the letters read here last evening were the letters; I think those are the only ones.

D. Dochester, counsel for plaintiffs, wished to submit the case without remarks. Agreed to.

Remarks. I would say, that a great noise had been made with regard to these letters, which Kelly had procured copies of, and many fabrications were circulated by him to my injury with regard to their contents. But when they found themselves under the necessity of procuring the original letters at the trial, all was changed; for the committee decided that the letters were proper in all respects, inasmuch as the charge was not sustained.

I have examined the minutes of the evidence in the within, and find them substantially correct.

ROBERT ALLYN, *Secretary.*

Colchester, May 12th, 1845.

Committee organized by the appointment of R. Hurlburt, chairman, and F. S. Hoyt, Secretary.

The committee having examined the testimony given in the case, find that Specifications third and fourth, under Charge first, are sustained; and also that Specification sixth, under Charge second, is sustained; that the other Specifications under Charges first and second are not sustained; also that Charges third and fourth are not sustained; Specification ninth, under Charge first, Specification third, under Charge second, and Charge fifth, were withdrawn.

And, therefore, they decide that the Rev. John Whittlesey be suspended from the ministerial office till the next quarterly conference.

JOHN SHEFFIELD,
C. D. FILLMORE,

RALPH HURLBURT, *Chairman,*
FRANCIS S. HOYT, *Secretary,*
HENRY J. NEWALL.

“O, Israel thou hast destroyed thyself!” Hosea 13, 9.

TRIAL BEFORE THE QUARTERLY CONFERENCE.

Reader.—I am now about to present you an authentic account of one of the most *astonishing, strange, and singular* trials, that ever disgraced the annals of any church, state, kingdom, or country, from the reign of the tyrant Nero, down to the present era. One which sets aside all precedent or law, either civil, military, human or divine. Where the very accuser himself, sat not only as witness, but as judge. This seems almost too astounding for belief, but it is nevertheless positively true, that R. S. Lewis, the very man who preferred the charges, actually sat as judge upon the case, together with Jonathan Harris, Wm. De Wolf, and L. Weaver, the very men who had been for weeks and months my most implacable enemies; *men*, who had expended time and money without stint or measure, and travelled hundreds of miles, inquiring from place to place, and from house to house, if they could not tell them something against Mr. Whittlesey—and in some places saying they did not care if it was fifteen or twenty years ago. *Men*, who had expressed their opinion publicly time and again. *Men*, who went to the meeting house of Mr. Denison the day before the trial, on the Lord’s day, and there electioneered with all the vehemence of political demagogues against me; and who had spoken all manner of evil against me, both privately and in public. Who had made it their business for weeks and months to sour the minds, if possible, of every member of the conference, and particularly the ministry. *These* men I say, all of them witnesses against me, and one of them bringing the charges openly, and all of them my accusers, and one of them having acted as president of the board, and having expressed their opinion openly beforehand, were allowed to sit as my judges, to condemn me. “O, the offence is rank, and smells to heaven.” Any indifferent person would have supposed, that common modesty or even decency, to say nothing of honesty, would have prompted them, even though they had ever so good a right to have been judges on the case, to have withdrawn. In vain did my counsel point out the rank injustice of the measure; in vain did he entreat; in vain did he implore and urge the necessity of a fair, honest, and honorable trial, telling them it was contrary to the gospel. He was told: “We go by the discipline *now*.” Nothing could move them. Why? Because they knew that not a single charge had in any manner been sustained, and they dare not trust an unprejudiced board to try the case, and I *challenge* them to find a single *man* who heard the trial, and was in no way concerned in it, who has a different opinion. There is but one *mind* among the community upon this subject; there *can be* but one, but what care *they* for public opinion—what care *they* for *usage* or *right*. Had they have cared, would they have retained their seats with all the pertinacity of the ghost of Banquo, against the entreaties of the accused, and all sense of *honesty, precedent, justice* or *right*. I shall leave further remarks

upon this subject for the present for further consideration, in my memoirs, life, and sufferings, which will ere long appear before the public.

Monday Morning, May 5th 1845, nine o'clock, A. M. The case of Rev. John Whittlesey, which had been examined in a committee of inquiry, called at Salem, May 2d : came before the quarterly meeting conference for final adjudication. R. W. Allyn, Presiding. R. Allyn, was appointed Secretary.

The decision of the committee was read, and proceeded to read the testimony, as given before the committee.

On Charge first, Specification third. In stating to Mark Dodge, that Elias Harvey had agreed to give a deposition, in your favor, different from the one, given to Joseph M'Gregory. Evidence in this specification, the same as on the former trial before the committee. The reader is referred to the testimony of Elias Harvey, on the former trial, for the complainant ; and that of Orramel Whittlesey, on the part of the defendant.

On Charge first, Specification fourth. The denying having walked with two young ladies, as stated by Brothers Pratt and Harris ; for Joshua Pratt's testimony, see former trial ; and for Wm. De Wolf, Jonathan Harris, and Hannah A. Pratt, see former trial also, on the part of the complainant. A communication from Hannah A. Pratt, was then read as follows.

This is to certify, that, I distinctly remember that on the evening, when Mr. John Whittlesey, left our house in company with two young ladies, viz., Jane Stebbins, and Jane M. Collins, to go to Mr. Thompson's meeting, which was held near the place called Dark Hollow ; it was about dark, that is during the twilight of the evening.

Salem, May 5th, 1845.

HANNAH A. PRATT.

The deposition of Joshua Pratt, on the part of the defendant, was then read ; and written communications from Rev. Charles Thompson, G. O. Williams, Esq., Nancy Minard, Alfred Loomis, Anstrus G. Loomis, and Ellen A. Loomis ; for Joshua Pratt's deposition, see former trial.

Salem, May 5th, 1845. Having been requested by Mr. John Whittlesey, Jun., to state whether Miss Collins and Miss Stebbins, rode with me, from meeting more than once. I would state, that I have an indistinct recollection of the fact that they once did ride with me from the Dark Hollow School House, but I have no recollection that they ever rode with me more than once. The exact time, when those persons rode with me, I cannot correctly state.

CHARLES THOMPSON.

This may certify, that we saw Mr. Joshua Pratt with two young ladies and the Rev. John Whittlesey on their way up to a meeting, held at the Dark Hollow School House, (so called,) by the Rev. Charles Thompson, and that they did not lock arms with the Rev. John Whittlesey, and had they done so, or had they been locking arms while passing, we should have seen them ; the young ladies were not near

enough to Mr. Whittlesey for that purpose ; of this we are confident. The time to which we allude was the time that Mr. Thompson brought the young ladies above alluded to back in his waggon. Salem, May 5, 1845.

ALFRED LOOMIS,
ANSTRUS G. LOOMIS,
ELLEN A. LOOMIS.

This is to certify, that I saw the Rev. John Whittlesey, Miss Collins and Miss Stebbins at the time the Rev. Charles Thompson had a meeting at Dark Hollow School House, (so called.) I saw them walk from the house of Elijah Tredway to the house of Henry P. Whittlesey, owned by him at that time, which is about fifty rods ; and I further state, that they were not locking arms while I saw them. N. B.—I understood Rev. C. Thompson carried them back in his waggon at the time. May 3, 1845.

G. O. WILLIAMS.

This may certify, that I saw Mr. Joshua Pratt, the Rev. John Whittlesey and two ladies pass the house where I live, and I understood at the time that they were going to attend a meeting to be holden by the Rev. Charles Thompson at the Loomis School House, so called, near a place called Dark Hollow, and that when they passed, the ladies and Mr. Whittlesey were not locking arms ; and I afterward heard it said that Mr. Thompson brought the ladies back as far as his house in his carriage. Salem, May 5, 1845.

NANCY MINARD.

NOTE.—In order that the reader may distinctly know the spirit that was manifested by Belinda Gates while testifying, and afterwards while some of the witnesses were testifying to her subsequent conversation, I will here state that she commenced stamping with her feet in such a rude, boisterous, and unbecoming a manner, (particularly for a maiden lady some forty years of age,) that she was called to order by the moderator on the first trial ; and I will further state, that if I staid to breakfast as she testified, of which I have no recollection, that it is not at all probable that under the circumstances I made any remarks of the kind of which she speaks.

Charge Second—Specification Sixth—In sitting up to improper hours with women reported to be of bad character.

The recorded testimony of Belinda Gates, and Ruth Randall's certificate read on the part of the complainant, for which see former trial.

Belinda Gates testified again—A lady watched with myself ; laid out the corpse when Brother Whittlesey sat up ; no one present besides Mrs. Randall ; when he sat up it was not at the time when Mrs. Thompson died ; the next morning after Mrs. Thompson died I went with Elias Thompson, Jun., to Samuel Holmes' to borrow a mourning dress of Betsey Holmes after breakfast ; I remember the time he staid all night, he was at breakfast at Mr. Thompson's ; there was a conversation ; Mr. Whittlesey joked Miss Rosanna Thompson about her beau, Sanford Forsyth ; she said she thought if Elder Whittlesey thought Mr. Forsyth was partial, he, Whittlesey, would not like it ; E. Thompson, Jun., came after breakfast ; the night I watched was the night before Mrs. Thompson's death, a day between ; don't recollect seeing Mr. Whittlesey there the night she died.

Cross Examined. Question. How long since the death of Mrs. Thompson ?

Answer. Possibly about thirteen years ago ; rough partitions only between us ; I thought it a little improper at the time ; and Mrs. Randall had conversed about it before widow Rathbone and sister Rathbone, and I spoke about the evil reports respecting Mr. Whittlesey, and said this was all I knew against him

Certificate from Betsey Holmes introduced, as follows :

Salem, May 5th, 1845.

This may certify that I distinctly recollect, on the morning after the death of Mrs. Thompson, that Elias Thompson, Jun., came here with Miss Belinda Gates and borrowed a silk dress of me, for Rosanna Thompson to wear at her mother's funeral. BETSEY HOLMES.

Lydia H. Rathbone testified—When Elias went after Whittlesey, he brought me home about sundown ; Belinda Gates and Mrs. Randall were to watch, so the girls said ; girls' character very bad ; bad as bad could be.

Asa Rathbone testified—Elias Thompson's character is not, as I think, on a par with mankind in general.

Counsel for defendant presented two certificates from Sarah Whittlesey and Sarah Thompson.

To the Quarterly Meeting Conference, to be holden at Montville, May 5th, 1845.

This may certify, that at the time of mother Thompson's death, which was either thirteen or fourteen years ago, that I was knowing to my husband going after the Rev. John Whittlesey to pray with her, at her request ; and although I was not present on his return, because it was late, the whole family told me he had been there, the next day when I came back to my father's, and that he had prayed and sung with her twice, and that she had found comfort, and that he had stayed all night, but Brother Whittlesey had gone back, and it is my impression that it was the night she died ; but it is so long since I cannot certainly say ; but they told me that he was sick with the headache ; I am certain, however, that Brother Whittlesey did not stay there but one night.

SARAH THOMPSON.

This may certify, that Elias Thompson came to our house several years since in the evening, and inquired for Mr. Whittlesey ; I told him that he was at the meeting house ; that he was preaching there ; at the close of the meeting, Orramel came and told me that I must not be concerned if father did not come home that night, as Elias Thompson had come for him to go to see his mother who was sick, and thought to be near her end, and pray with her, and that he had gone with him, and probably would not return that night ; this I should think was near nine o'clock ; Mr. Whittlesey stayed at Mr. Thompson's but one night during Mrs. Thompson's sickness ; I think that Elias Thompson brought Mr. Whittlesey home in the morning ; as Mr. Whittlesey was called for to pray with Mrs. Thompson in her sickness, when he re-

turned, I asked him if Mrs. Thompson had obtained any comfort and satisfaction in her mind, he said he thought she had. Salem, May 5, 1845.

SARAH WHITTLESEY.

Brother Dorchester, counsel for complainant, offered the opening plea. Brother Sidney Dean followed, on the part of the defendant, with a plea. Brother Whittlesey, the accused, then spoke a few words in his own behalf. Brother Dorchester followed in his closing argument. Quarterly Meeting Conference began the final judgment on the specifications brought before them. Voted that specification third, charge first, is sustained. Voted that specification fourth, charge first, is sustained. Voted that these specifications do sustain the first charge. Voted that specification sixth, under charge second, is sustained. Voted that this specification does sustain the charge. Witnesses and audience were again admitted, and the decision of the Quarterly M. Conference was read by the Secretary.

The chair then announced, that the Rev. John Whittlesey is no longer a member of the Methodist Episcopal Church in the United States of America. The accused decided not to appeal. Voted to Mr. John Whittlesey an attested copy of the minutes of this trial. Adjourned.

I have examined the minutes of the evidence, in the within, and find them substantially correct.

ROBERT ALLYN,

Colchester, May 12, 1845.

Secretary.

Remarks.—I would beg leave to remark, as this charge was reported by the committee as sustained, and the last charge of the three on which I was bound over to the Quarterly Conference, that it was not even pretended that there was anything criminal in what was alleged against me on the foregoing specification, even though it had been all true. The witness herself testifies to that fact. Now put it in the worst light that even my most bitter enemies would choose to place it, and it would be barely an imprudence. But how were the facts in the case? Mr. Thompson was a respectable farmer, and a member of the Baptist Church. One of the two daughters in question had a child at that time, which of course very justly involved her chastity; the other was at that time a professed follower of Christ. The mother of these two daughters lay dying. I was sent for, to pray with the dying mother. The messenger arrived about 9 o'clock, at the Methodist Meeting house, as I was closing the meeting for the evening. I sent home word to Mrs. W. that it was so late that I should probably not return that night. This was between thirteen and fourteen years ago. The distance I had to go was nearly four miles; the road was very bad, and the night was dark, and our progress necessarily very slow. It was ten o'clock before we arrived. I sang and prayed with her. I had a violent headache, and went into the only other room, where there was a light, or a fire, it being in the month of March and the weather cold, and called for some camphor, to bathe my head. I sat down by the fire for the purpose of heating my feet, which sometimes

acts as a remedy in cases of violent headache, to which I have for years been subject. I sat there, perhaps, thirty minutes, and I should think not to exceed that. No one offered me a bed, and I finally asked for one and retired. And I solemnly affirm, that the first time I ever thought, heard, or dreamed that any one thought there was any impropriety in the matter, was thirteen years afterwards, when the charge was brought against me! With regard to the character of the girls, I know nothing further than as before stated, nor is it even material, since it is not even pretended that I had any thing to do with them. But in the language of the Rev. Mr. Dean, I will say, "Now, I ask every person within the sound of my voice, if there is one here, that believes that there is a daughter on the habitable globe, so lost to all feeling of natural affection, so devoid of all fear of the grim monster Death, so awfully, so horribly, so abominably depraved, as to even think of committing an act of impropriety of a sensual nature, when their own mother lay dying in the next room?" But, says the objector, no such thing is pretended. We only say you was there at eleven o'clock, and eleven o'clock is an improper hour.

It would then appear, if I had not attended a meeting that night, but had gone over in the edge of the evening, even though I had staid as long, there would have been no impropriety. But the almighty God of heaven and earth, who searches all hearts, and will not look upon iniquity with the least allowance, knows, that in all that matter, I did nothing more or less than what my conscience approves, and nothing but what I shall rejoice to meet at the bar of God, and nothing but what my mission as a gospel minister enjoined upon me; and what must be the depravity of those hearts that would bring forward Asa Rathbone to testify against the moral character, for truth and veracity of Elias Thompson, who testifies in this case relative to the sickness, and death of his mother, who has been a member of the M. E. Church for fifteen years or more, and was, at the time of his mother's death. Surely it may be said in the language of scripture, the heart is deceitful above all things and desperately wicked.

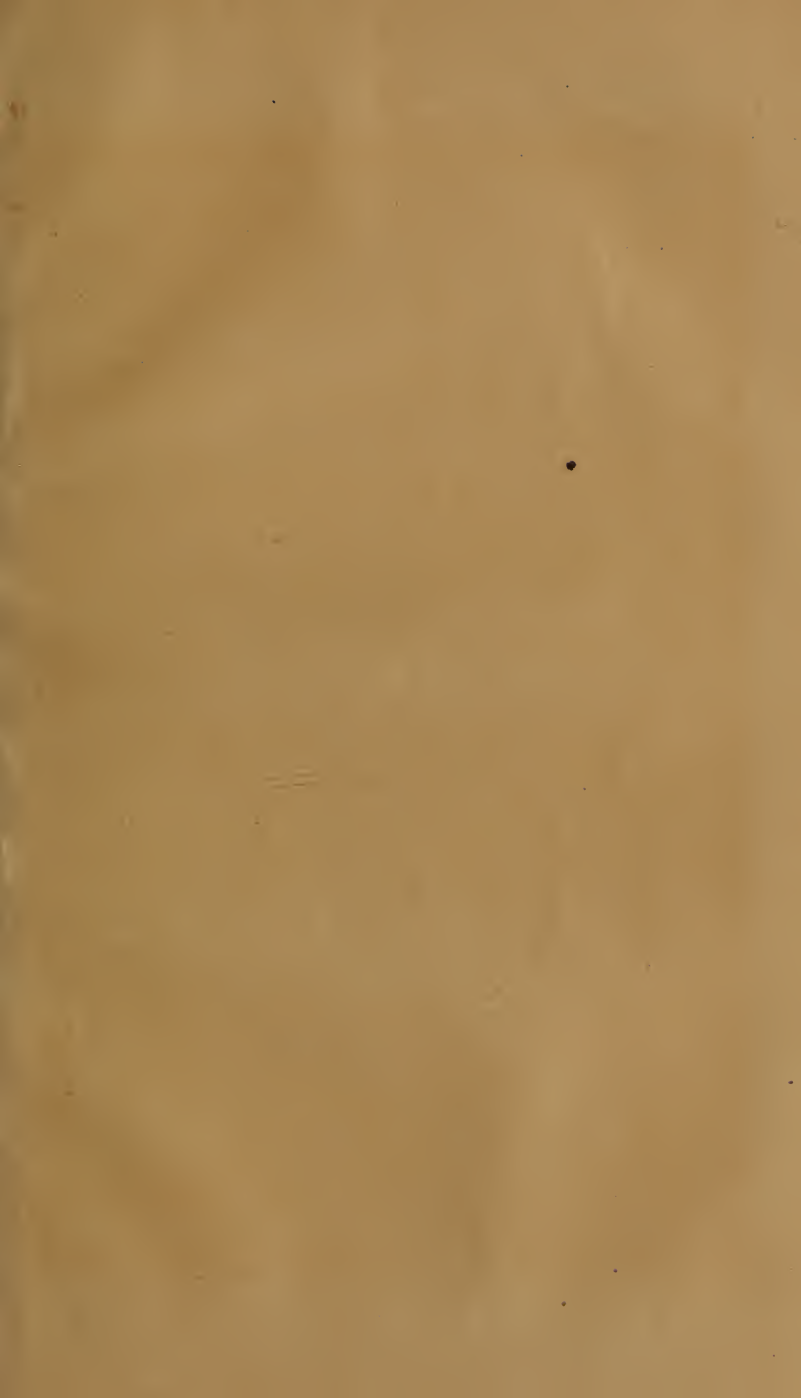
At the close of the trial, Daniel Dochester arose in behalf of the complainant, and began to tell how long he had known Brother Whittlesey, and that he had heard him preach before he, Dochester, was a Methodist; said something about being sheltered beneath his roof, and he might have mentioned how I had befriended him when a poor boy, his father and mother having quarrelled and parted, leaving him destitute and alone. But he did speak of my kindness to him it is true, but he said nothing of the return he had made for the favors of which he spoke; made no comments upon the black ingratitude with which he had repaid my kindness; of the efforts he had made ever since a certain period, to injure me in my reputation and property; of the pains he has taken to circulate stories against me, which he knew to be false; of the boasts that he has made that he would have me down. But he said he expected but few favors from a certain quarter, and he certainly must have known that he could not expect them in justice.

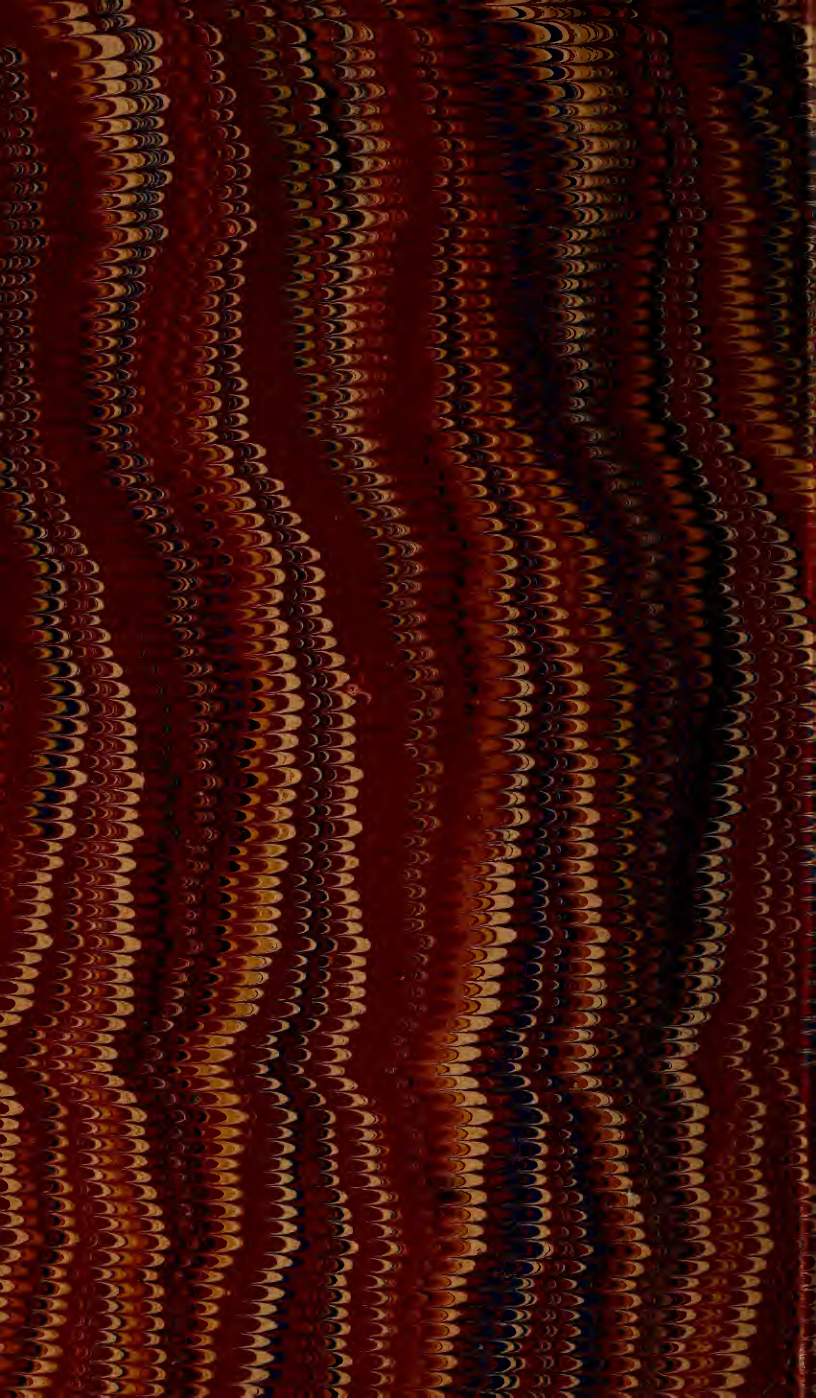
His argument was unfair, unchristian, and ungentlemanly. He went on to state that he knew something with regard to the time that I went to pray with Mrs. Thompson, that he might state to my injury, but he forbore to do it. Now, if he knew any thing about it personally, he must have kept it concealed for thirteen years, which people who know of his deadly malice toward me, would not be very likely to believe. If he had heard any statements, he certainly could have brought his informers as witnesses, his plea was made up of dark insinuations, destitute of argument or point, and having little or no bearing upon the accusations in question.

The Rev. Mr. Dean followed, and in a meek and christian spirit, with power and eloquence, swept away and unmasked their refuge of falsehood, in such a manner as to do honor to himself, and the cause he had espoused.

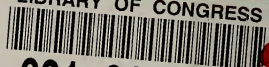
Conclusion.—It is now almost half a century since I received a commission from the everlasting God, to proclaim life and salvation to the children of men—during which period he has seen fit to crown and bless the labors of his unworthy servant in a most wonderful and miraculous manner; he having graciously condescended to use me as the humble instrument, in his hands, of the hopeful conversion of many hundreds of precious and immortal souls. I feel that my race is nearly run on earth, and I look forward with pleasing anticipation for that rest which remains for the people of God beyond the crumbling tomb. The frosts of nearly seventy winters have bleached the brow of the persecuted and the oppressed; but there is rest in heaven—yes, glory be to him that sitteth upon the throne, and the lamb forever. It is true my enemies have taken from me my mission of parchment, and stripped me of my earthly all; but I have a commission from a higher source; I have a mission from the Almighty Jehovah, the Lord God of Hosts, whose I am and whom I serve, to proclaim the everlasting gospel of peace to the children of men; and, rest assured, that armed with the dread panoply of his name, I shall never cease to proclaim life and peace to the children of men so long as he shall see fit to lend me his almighty aid. And now, in the language of the great apostle of the Gentiles, I will say, “Behold I go bound in the spirit unto Jerusalem, not knowing the things that shall befall me there, save that the Holy Ghost witnesseth in every city, saying that bonds and afflictions abide me.” “But none of these things move me, neither count I my life dear unto myself, so that I might finish my course with joy and the ministry which I have received of the Lord Jesus to testify the gospel of the grace of God.” And now, reader, farewell. May God in his infinite mercy, bless and preserve you, and if we never meet on earth, may we meet in heaven.

JOHN WHITTLESEY.





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